

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

DOMESTIC ABUSE BILL

Second Sitting

Thursday 4 June 2020

(Afternoon)

CONTENTS

Examination of witnesses.

Adjourned till Tuesday 9 June at twenty-five minutes past Nine o'clock.

Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 8 June 2020

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The Committee consisted of the following Members:

Chairs: MR PETER BONE, † MS KAREN BUCK

† Aiken, Nickie (<i>Cities of London and Westminster</i>) (Con)	† Harris, Rebecca (<i>Lord Commissioner of Her Majesty's Treasury</i>)
† Atkins, Victoria (<i>Parliamentary Under-Secretary of State for the Home Department</i>)	† Jardine, Christine (<i>Edinburgh West</i>) (LD)
† Bowie, Andrew (<i>West Aberdeenshire and Kincardine</i>) (Con)	† Jones, Fay (<i>Brecon and Radnorshire</i>) (Con)
† Chalk, Alex (<i>Parliamentary Under-Secretary of State for Justice</i>)	† Kyle, Peter (<i>Hove</i>) (Lab)
Coyle, Neil (<i>Bermondsey and Old Southwark</i>) (Lab)	† Marson, Julie (<i>Hertford and Stortford</i>) (Con)
† Crosbie, Virginia (<i>Ynys Môn</i>) (Con)	† Phillips, Jess (<i>Birmingham, Yardley</i>) (Lab)
† Davies-Jones, Alex (<i>Pontypridd</i>) (Lab)	† Saville Roberts, Liz (<i>Dwyfor Meirionnydd</i>) (PC)
† Gibson, Peter (<i>Darlington</i>) (Con)	† Twist, Liz (<i>Blaydon</i>) (Lab)
	† Wood, Mike (<i>Dudley South</i>) (Con)
	Jo Dodd, Kevin Maddison, <i>Committee Clerks</i>
	† attended the Committee

Witnesses

Gilmara Garcia, Latin American Women's Rights Service

Somiya Basar, survivor of domestic abuse

Saliha Rashid, survivor of domestic abuse

Lucy Hadley, Campaigns and Policy Manager, Women's Aid Federation

Andrea Simon, Head of Public Affairs, End Violence Against Women

Ellie Butt, Head of Policy and Public Affairs, Refuge

Suzanne Jacob OBE, Chief Executive, SafeLives

Giselle Valle, Director, Latin American Women's Rights Service (Step Up Migrant Women Campaign)

Lyndsey Dearlove, Hestia

Dame Vera Baird QC, Victims Commissioner

Councillor Simon Blackburn, Leader of Blackpool Council and Chair of the Local Government Association's Safer and Stronger Communities Board

Sara Kirkpatrick, CEO, Welsh Women's Aid

Public Bill Committee

Thursday 4 June 2020

(Afternoon)

[Ms KAREN BUCK in the Chair]

Domestic Abuse Bill

2 pm

The Chair: Before we start, I have just a couple of points. I am reliably informed that the disinfectant used in the room and around the horseshoe lasts for 30 days—I say that for the greater comfort of Members. Just as a reminder, it would help *Hansard* if everyone, particularly those not round the horseshoe, speaks very loudly and clearly so that they can be heard. I can hardly see the end of the room, so will anybody who is trying to participate make sure they are indicating very clearly? One witness, Suzanne Jacob from SafeLives, will be joining by audio link, so there may be a moment or two getting that set up.

We are now going into the first panel of witnesses for the afternoon. We are hearing oral evidence from the Latin American Women’s Rights Service. The witness will be brought in now, and we will have until 2.15 pm for this session.

Examination of Witness

Gilmara Garcia gave evidence.

2.3 pm

Q44 The Chair: Thank you very much for coming in to give evidence this afternoon. Could you introduce yourself to the Committee? Then we will allow people to ask questions of you.

Gilmara Garcia: First, thank you for inviting me. My name is Gilmara Garcia, and I am here to share my experiences.

The Chair: Thank you very much for introducing yourself.

Q45 Jess Phillips (Birmingham, Yardley) (Lab): Thank you very much for coming in. I am just going to ask you a few questions about your experiences of the system. What are the main barriers that you have faced in getting the support that you may have needed?

Gilmara Garcia: The main barriers were the system and safe reporting, because I have not had it when I needed it most.

Q46 Jess Phillips: Tell us a little about your experiences and what led you to need to report.

Gilmara Garcia: I came four years ago to the UK as part of a family—me, my former partner and two children. After eight months of living with him, I was already experiencing emotional and verbal abuse, and then he exerted himself physically. My first action was to flee the property straightaway to the police station.

That was the beginning of a huge nightmare. I am still improving my language, but at that time it was worse. I came four years ago, as I said.

Q47 Jess Phillips: Where did you come from?

Gilmara Garcia: Brazil.

Q48 Jess Phillips: When you came over, what visa did you come in on?

Gilmara Garcia: We came—four Brazilians—but my former partner had held a British passport. When we were settled, he said, “I will renew my British passport. I will make our young child British. Then I will apply for you.” That was the promise. Four of us Brazilians came; two of the family became British.

Q49 Jess Phillips: But you came to the country completely legally?

Gilmara Garcia: Completely legally, yes.

Q50 Jess Phillips: Tell us about how you tried to get help when your abuse started to happen in the UK.

Gilmara Garcia: At first when it started, it was emotional abuse. I did not understand that it was wrong. I wanted to try to make things right, but when the physical abuse happened, I realised that something was wrong and that I needed help. I had been told, “Let’s go there to visit. After that we will remain, and I will apply with you as my dependant.” That never happened. Six months later, my tourist visa expired and I became undocumented. At that point, things increased.

Jess Phillips: The threats?

Gilmara Garcia: He said, “I will report you if you don’t follow my rules. You will be returned to your country. Forget about our daughter, because now she is British.”

Q51 Jess Phillips: Just so that we have the story right, you came here with a partner who had promised you that you would settle here and that your status would become settled. He began to abuse you. He settled his status and the status of your daughter, then he used the fact that you were unsettled to abuse you and control you.

Gilmara Garcia: Exactly.

Jess Phillips: What happened when you tried to get help?

Gilmara Garcia: It happened. The first phrase toward me was—[*Interruption.*] Just a minute. It does not matter how many times we repeat the same story—first of all, to prove who we are, and, after that—

Jess Phillips: You take as long as you need.

Gilmara Garcia: I went to request help, and they said, “We cannot help you.”

Q52 Jess Phillips: Who said that to you?

Gilmara Garcia: A police officer—“We cannot help you because we don’t have responsibility for you.” I showed what had happened to me and explained that I did not have any place to go. The police officer turned

to me and said, “We are not a hotel. I cannot provide accommodation for you and your eldest.” I was with my eldest child from a previous marriage. When the perpetrator came and shared his side of the story, the approach changed. He shared the same story, with some differences. I was asked, “Where is your document?” I said, “In my bag.” The police officer said, “I can see here that it has expired. We cannot help you at all. You need to go to immigration and your embassy.”

Q53 Jess Phillips: So you went as a victim of domestic abuse and the police told you that there would be no accommodation for you and that, because your status was unsettled, you actually now had to just go to your embassy, even though you had reported to them as a victim of violence.

Gilmara Garcia: Yes, remembering that I came to England and I went straightaway to the countryside. So, first of all, I had no immigration. How was I to seek any support as a homeless person in London. Anyway, the perpetrator said to the police officers, “No worries, I can pay her one night, but tomorrow she cannot come back to the property.” The police just brought that response to me: that they would provide a lift to the Travelodge hotel—I don’t know if I can say the name, but anyway. And then, the next day, I went to the primary school of my kids to say, “I’m leaving. My youngest is staying. Please, when I send an email, answer me how she is, because I need to come back to my country.” After all, that was the suggestion to myself.

Jess Phillips: To go home to Brazil?

Gilmara Garcia: The headteacher at that school provided me with the fare to get to London. I went straightaway to London Bridge to the Home Office they have there. They did not know what to do. They said, “We need seven days for you to come back to your country. Where will you be?” After all, it was me and these vulnerable people with me. I was the entire day in the building.

After that, I was with the Metropolitan police. The first officer—thank God—came and said, “What are you doing here?” I tried to explain—it was more mimicking than speaking, but still she understood me—and she contacted a support worker who goes around to homeless people in the night. She put me in a hostel to spend the night and said the next day, “Please go to the embassy and seek help. But before that, try to secure a place to sleep the next night.” When I fled, it was the middle of December and being rough in that period is not a good memory at all.

Jess Phillips: Sleeping rough?

The Chair: Jess, I have a few more Members. Do you mind if I see a couple of others and return to you?

Q54 Christine Jardine (Edinburgh West) (LD): Actually, before I say anything, I would like to hear the witness continue to respond to hon. Members. Her story is important, and it is important that we hear it.

Q55 Jess Phillips: We only have a short space of time, and we need to make sure that those of us who have to scrutinise the Bill get the message about what needs to change in it. So you had to sleep rough in London—is that what you are saying?

Gilmara Garcia: Yes.

Jess Phillips: So you slept rough with your children?

Gilmara Garcia: Child.

Jess Phillips: How old is your child?

Gilmara Garcia: Now, nearly twelve—nine or so at the time.

Q56 Jess Phillips: Was that because you were not able to access any support because of your immigration status?

Gilmara Garcia: No one knew what to do with me. The police did not know what to do. They just suggested that I go to the Home Office. When I got to the Home Office, they said, “We have no accommodation. We need seven days to prepare your ticket; then you can come back.” That was my decision in that moment—to come back where I feel safe. And I couldn’t.

Jess Phillips: So you were left to sleep rough on the streets of London. I will let other people come in; I just wanted to set the scene.

The Chair: This will have to be the last question.

Q57 Christine Jardine: Now your situation has changed. Would it have been different if you had had recourse to public funds, and do you now have recourse to public funds?

Gilmara Garcia: Definitely. Every time, I repeat that if, in the first beginning, the process follows with a safety report, everything will be different. It is now four years later, and I am still suffering the consequences.

The Chair: Order. I am really sorry, but that has brought us to the end of this session. On behalf of the Committee, I thank you very much for coming in and giving your evidence. I know it is difficult in such a constrained time, but you gave the Committee a lot of helpful information. Thank you.

Examination of Witnesses

Somiya Basar and Saliha Rashid gave evidence.

2.16 pm

The Chair: Thank you very much for joining us. We will now hear oral evidence from Somiya Basar and Saliha Rashid. We have this session until 2.45 pm. Please introduce yourselves, and then I will invite members of the Committee to ask you questions.

Somiya Basar: Ladies and gentlemen, I am Somiya Basar.

Saliha Rashid: My name is Saliha Rashid. I am a survivor of gender-based abuse, and I am also a campaigner. I am here today representing a group of survivors that have been part of Women’s Aid’s “Law in the making” project.

Q58 Victoria Atkins (Louth and Horncastle) (Con): Saliha, if you feel able to, please tell us about your experiences as a female victim of domestic abuse, but also with your blindness.

Saliha Rashid: Yes, I come from a community where, growing up, I was always told that because I am blind and a woman, I could not have high aspirations or become independent. When I sought support to become free of this and to become independent, I found many barriers. There was a lack of understanding in relation to disability and issues around gender-based violence. I found that services were not accessible. There was a lack of information in accessible formats.

As a group of survivors, we come from a diverse range of backgrounds, and we have had different experiences, but, quite commonly, we have all experienced reaching out to a system that has failed to support us—a system that has been unable to meet our diverse needs and, for many of us, a system has been re-traumatising and re-victimising.

Q59 Victoria Atkins: Thank you. The Women's Aid campaign is a great campaign, so I am pleased to hear that you are part of it. If you are familiar with the contents of the Bill, what do you think the domestic abuse commissioner can do to help women in your position?

Saliha Rashid: I think that for disabled survivors there needs to be a statutory duty conferred on all organisations to provide information in accessible formats. I support the campaign by Stay Safe East around repealing the carers' defence clause in part 5 of the Serious Crime Act 2015, which is on domestic abuse. I think that awareness-raising is a key priority for our group, because we have found a lack of awareness around these issues, both within statutory and non-statutory services.

Q60 Jess Phillips: Just to finish up with Saliha, through your campaigning do you think that, at the moment, in different areas—you can probably only talk about your own local authority area—there are enough specialist services available for victims with disabilities?

Saliha Rashid: No, I think there need to be adequately funded services for disabled survivors, as well as for survivors from other minority groups, such as LGBT survivors and BAME survivors.

Q61 Jess Phillips: Would you support some sort of ring-fencing of these sorts of specialisms being written into the law, to ensure that they are provided?

Saliha Rashid: Definitely—it is important that this issue is recognised. I think that minority groups have specific needs, and it is important that those needs are outlined. I also think that there needs to be more guidance around this.

Q62 Jess Phillips: Thank you very much. Now I am going on to Somiya. Thank you very much for coming in. I have read a little bit about the story of your children and about your travels around the world to try to get back access to your children. Can you tell us about that as briefly as you can—not necessarily from the beginning, but from when you found yourself in Britain. Your ex-partner is a British citizen—is that correct?

Somiya Basar: Yes. And so are my children.

Q63 Jess Phillips: And so are your children, so your children are now British citizens. What is your immigration status?

Somiya Basar: Currently, we have applied for me to remain in the country as a parent, and we are waiting for the Home Office to make a decision. It has been eight months so far, and I am relying on support from Southall Black Sisters, because I do not have access to public funding—I have no recourse to public funds because of my immigration status. This has crippled me financially and kept me in limbo.

Q64 Jess Phillips: But you came to this country because your children had been brought here from South Africa—is that correct?

Somiya Basar: Yes.

Q65 Jess Phillips: Your children have been brought here from South Africa. Do you currently have access to your children?

Somiya Basar: I do have very limited access to my children. It took me four and a half years to be able to get to common ground. My daughter was three when she was abducted; she has very little recollection of me. I could not come here because of visa constraints, as my children are British citizens and I am not, and I had to go pillar to post to be able to come to common ground and to be able to have access to my children. My daughter's elder brothers have to remind her and to ask her, "Do you remember that this is our mother?", and she says, "No, I can't remember."

Q66 Jess Phillips: If you do not mind my asking—please feel free to say if you do not want to answer any of the questions I ask—did you suffer violence and abuse at the hands of your ex-partner?

Somiya Basar: When I got married, it was based on cultural customs in India. I was living in Bombay, and I was 19 when I was married to a British citizen whom I did not know. I wanted to further my studies, but my parents thought differently and according to our custom. I did not want to disappoint them, so I agreed. My idea of marriage was quickly shattered, because it was not long before I began to feel that I was married to be a slave. I was the housemaid; I was there for him to use as an object to have babies. I was the nanny, and I was the nurse.

The situation soon developed into physical, emotional and financial abuse—verbal belittling at every opportunity. My husband had total financial control over me. He controlled every aspect of my life. I was strongly disallowed from making contact with my own family, which has left me isolated and alienated from my family. I was not allowed to have friends or to work outside the house, except for at the family business. I remained in the marriage because of the constant threats that if I would not conform or do as they said, my children would be taken away from me. Because of the fear of losing my children, I remained in the marriage, which lasted for 12 years.

Q67 Jess Phillips: Do you think that it is common for women in your situation to stay in a marriage?

Somiya Basar: I do think it is common for a lot of women, usually due to the fear of losing of their children and the fear of facing humiliation in society. They remain in the marriage because they are constantly reminded that if they do not conform there will be repercussions.

Q68 Jess Phillips: Now that you are here in Britain, you have limited access through the family courts, presumably, to your children. You are fighting your immigration status. How long have you been in the immigration system, if you do not mind me asking?

Somiya Basar: Eight months now, but I would like to tell everybody that it took me three years to get to the United Kingdom. My children and I have been living with this ordeal for four and a half years. My daughter was three years old; she is seven years old today, and I have two older children who are 14 and 15 years old.

Q69 Jess Phillips: When you have interacted with services in the United Kingdom, do you feel that they understand the issue of abandonment across borders? I am afraid that I have seen lots of cases of women abandoned as part of the pattern of domestic abuse, and their children removed. Do you think there is any understanding of you as a victim of domestic abuse?

Somiya Basar: Not really, because there is a lack of awareness about the abandonment of spouses. Even though we are married to British citizens living abroad, we do not have any rights to remain in the country. It took me three years to try and understand how I could get on common grounds with my children. There is a lack of awareness. People do not know how to deal with convoluted cases such as this one. This has hampered me and I have lost a lot of precious time with my own children—so much so that they are alienated and it is going to be very hard work to be able to re-establish my life with my children.

Q70 Jess Phillips: In this country you are currently entitled to support through a pilot scheme that was funded through Southall Black Sisters, but you are not entitled to any other support.

Somiya Basar: I am not entitled to any support whatsoever.

Q71 Jess Phillips: Are you currently expected to pay any premium to use the health service?

Somiya Basar: Yes. Had it not been for Southall Black Sisters supporting me with their own funds and with accommodation, subsistence, money for trips, advice and help at many levels, I would not have had any chance to be able to come here after so long, to be able to be with my children, to have a life. If it wasn't for them supporting me at many levels, I wouldn't have been able to come here. I would have been homeless. I would have been absolutely devastated and destitute, because when my ex-husband abandoned me he left me destitute. After 12 years in my marriage, he retained all the savings, the earnings and the assets I had worked for. He deliberately left me destitute.

Q72 Jess Phillips: Do your children have access to any support about the situation that they have been in throughout their childhood? You might not know, but are they able to get any support through their schools?

Somiya Basar: I approached the school when I came here. My older son has special needs, but the school did not even recognise that. He had a major speech delay. He saw the abuse. As he was growing up, he saw me being abused. He was abused by the father, sometimes physically, in a very bad manner. He has been left with a

lot of difficulties. I don't think much justice is done because they need to have a lot of counselling to understand that it was no fault of mine that the children were left without their mother. It was because of the father's choices, because the father decided to alienate the children and move away from me. He used his British passport to alienate the children from me, knowing full well that I was the only one on an Indian passport and it would take me forever to get there, because I did not have any recourse, any source of income. I had no connections in the United Kingdom whom I could rely on. He used his British passport full well.

Jess Phillips: Thank you for sharing your story with us.

Q73 Nickie Aiken (Cities of London and Westminster) (Con): Thank you for sharing your story. I am sure it is very difficult having to keep repeating your story, but thank you. It is very powerful.

You have obviously been getting help from the Southall Black Sisters, which is good to hear. Have they or anybody else referred you to the national referral mechanism, which is for victims like you?

Somiya Basar: From what I understand, it takes forever for that system to work, and I don't think that system works as efficiently as the pilot scheme by Southall Black Sisters. I don't think I am an expert here and I do not understand the terminology, but what I understand is that the other system that you are referring to takes forever. It is not a system that works efficiently to the full benefit of the victim.

Q74 Nickie Aiken: But you do not think you have been referred.

Somiya Basar: I am not aware of it.

Q75 Peter Kyle (Hove) (Lab): Thank you for coming today. As an individual, as a mother to British children and as a victim, have you at any point felt that the British Government and the British state is on your side?

Somiya Basar: I really felt abandoned, even by the British state. I think they have failed me. Had there been any other channel of being here, I would have been notified by the embassies, because the embassies in the different countries that we lived in knew exactly what was happening with myself, with my children. At some point the father had abandoned the children with me in South Africa with no immigration status. The British embassy knew full well that we were in dire straits, and not much help was available, so I think I have been failed.

Q76 Peter Kyle: Thank you. Saliha, do you have anything to add on that same point?

Saliha Rashid: Quite commonly, across the board in terms of the group that I am here to represent, we have felt like the system has failed us, whether that is in the family courts or the criminal justice system. Many survivors have been failed by the criminal justice system time after time: for example, repeated failures to enforce protection orders. Even accessing legal aid has been problematic for many women. Many had to navigate

the legal complexities of the system with very little support, which impacted on them both emotionally and financially.

Q77 Peter Kyle: You say that you have been failed by the system, but could you give us some specific areas where the system does not actually exist for you? You cannot be failed by a system that you do not have access to. In some areas you have no recourse to public funds. In that situation, the system does not fail you; the system does not exist for you. Is that the right way of looking at it?

Saliha Rashid: Yes, I agree with what you are saying. In many cases the system does not exist, but where systems do exist—for example, the family courts—women feel that so often they are not believed. For many women, it has been re-victimising and re-traumatising. One woman from the group described it as horrific, traumatic psychological warfare, and mind games that just replicated the abuse in the relationship. This is a system that exists, but also seems to fail to listen to children and to keep them safe. That is what women have reported.

Q78 Peter Kyle: Saliha, you heard the previous question from my colleague about referred services. Since you advocate for other people as well, is it your experience that referred services are available, accessible and easy to obtain for people in your situation and the people you represent?

Saliha Rashid: Speaking from a disabled victim's point of view, no, because the services that exist either have an understanding of issues relating to disability but no understanding of domestic abuse and gender-based violence, or it is the other way around and they understand domestic abuse but there is no awareness of disability and how they are linked.

The Chair: I have Mike Wood, Virginia Crosbie and Andrew Bowie, unless anybody else wants to ask questions, and we have nine minutes, just to give you a guide for how long to make your questions.

Q79 Mike Wood (Dudley South) (Con): I will keep my question very short. Somiya, given your terrible experiences, what would you like to see the new domestic abuse commissioner do to ensure that the voices of survivors of domestic abuse are brought to the front of how we respond to that challenge?

Somiya Basar: Today I am speaking on behalf of everybody; I know a lot of women in a similar situation and it is my duty to speak on their behalf. The Government have this opportunity to right the wrongs and they must lift the ban on recourse to public funds. Most of the times, our perpetrators have used that to further exploit and blackmail us, because our immigration status is used against us. In my case, I did not have access to public funds and I was able to come to the United Kingdom and join my family and be with my children.

Time is also of the essence here; if we do not get help on time, it is as if we did not get help at all. No recourse to public funds should be lifted; help should be available to everybody who needs it, irrespective of their immigration status. The only qualification to be in the system to be able to obtain help should be that we are human beings

and we should be treated that way, not differently because of our immigration status, and addressed with dignity and respect like anybody else has to be in this country. If somebody was born here and a resident, they would not have been treated as I would have, and this is an opportunity for everybody here to right the wrongs.

Q80 Mike Wood: On the specific point about the independent commissioner to lead on and tackle domestic abuse right across the country, what impact do you think having that kind of independent person established within this legislation will have?

Somiya Basar: I am not following your question. Could you simplify it, please?

Mike Wood: Sorry. The legislation we are considering would create a new independent office of domestic abuse commissioner, whose role is obviously to lead, to co-ordinate and to be an independent voice separate from Government Departments, working with charities, survivors and other interested parties. How do you think that role could also be used to ensure that the voices of survivors are heard more effectively than perhaps they have been in the past?

Somiya Basar: I think the answer lies in your question. The voices of the people who need to be heard, and of those who are affected, have not been heard so far. The voice of everybody affected must be heard. The independent commissioner who is going to be appointed will have to raise many issues, some of them related to the immigration barriers. With all the barriers that we as immigrants have, and not being able to access recourse to public funds, I think more understanding would help them understand how to make changes to the Bill, and what is required.

Q81 Virginia Crosbie (Ynys Môn) (Con): Thank you both for coming here today; you are both incredibly brave. I wanted to ask Somiya how she heard about Southall Black Sisters.

Somiya Basar: When I was struggling and was pleading for help from a number of NGOs, both in South Africa and in the United Kingdom, I was told in South Africa that they could no longer help me because the children were British citizens, and then living in the United Kingdom I was told they could not help me because I was not a British citizen. Then, after exchanging a lot of correspondences with organisations and NGOs in the United Kingdom, a family law firm based in London got in touch with me. Legal aid was granted after a very long struggle, and legal proceedings began. Eventually, my immigration solicitors connected me with Southall Black Sisters, because I had to be here but I had nowhere to stay, no source of income, and nothing to rely on.

Q82 Virginia Crosbie: How did the family law firm find you?

Somiya Basar: I think they were referred by one of the organisations, called Indian Ladies UK, because I had been exchanging correspondences with hundreds of organisations in the United Kingdom. For the three-year period that my children were abducted until

the family law firm in London found me, I did a lot of work on my level to research and find help, and that is how Southall Black Sisters got in touch with me.

Q83 Virginia Crosbie: This question is to both of you. Knowing what you know now, what advice would you give to other women in a similar situation?

Somiya Basar: It is a struggle to access any sort of help. Even though I am a mother—a parent—to three British citizens, it has been a struggle for me to come this far. I imagine how it is for others who do not even have that assurance of having children who are of the common nationality here.

Q84 Virginia Crosbie: What advice would you give them?

Somiya Basar: I would ask them to do the hard work and research, and ask for help. Maybe if you are lucky, after three years, somebody will get in touch with you!

Saliha Rashid: My advice to other women in an abusive situation would be that there is light at the end of the tunnel. There is help available out there; there are organisations such as Women's Aid that can provide support. For the survivors out there, communities may say that we brought shame, but I always say their shame is our honour, and that is what we hold on to every single day.

The Chair: That is a very good note on which to end this session. We are almost at the end of it anyway, so I thank both of this session's witnesses very warmly on behalf of the Committee. As has been said, coming to give personal testimony of this kind is a very brave thing to do, so we really do appreciate it. Thank you very much. We will move on to the next session.

Examination of Witnesses

Lucy Hadley and Andrea Simon gave evidence.

2.45 pm

Q85 The Chair: We will now hear evidence from the Women's Aid Federation of England and the End Violence Against Women Coalition. We are grateful to our two witnesses. Once you are ready, will you introduce yourselves to the Committee? I will then ask members of the Committee to ask you questions.

Lucy Hadley: I am Lucy Hadley, the campaigns and policy manager at Women's Aid Federation of England. We are a national federation of local domestic abuse services across England, with 180 members delivering around 300 local services to women and children. I am here to talk about the expertise of our federation and the survivors we work with on the Bill.

Andrea Simon: My name is Andrea Simon. I am head of public affairs for the End Violence Against Women Coalition. We are a national coalition of more than 85 specialist women's organisations, academics and other experts working to end violence against women and girls in all its forms. We campaign for improved responses to VAWG both nationally and locally.

The Chair: Thank you. We have until 3.15 pm for this session.

Q86 Victoria Atkins: Welcome, both; it is good to see you. Could you give us your view on the Bill and, in particular, how you think the domestic abuse commissioner will be able to help your organisations help survivors?

Lucy Hadley: We really welcome the Bill. There has been a long wait to see it here in Parliament, and we are really pleased that it is back. The current context shows how urgently we need to improve protection and support for survivors. There is currently a real postcode lottery in access to support across the country, which is one of the main reasons why the domestic abuse commissioner can make a massive difference to survivors and their access to support.

The impact of covid-19 has been clear: women are telling us that abuse is escalating but it is harder to leave. At the same time, 85% of the service providers we spoke to in March said they had had to reduce or cancel elements of their service provision. The pandemic has landed on top of a difficult funding crisis for our sector. It is vital that the Bill brings forward the legal protections and support that survivors need, and that that is backed with the sustainable funding that life-saving specialist domestic abuse services require across the country. The domestic abuse commissioner, in mapping that provision and monitoring services, can make a real difference in access to support for survivors.

Andrea Simon: I agree. The domestic abuse commissioner in particular is a welcome addition to the Bill. We welcome the powers to ensure that public bodies respond to the commissioner's recommendations, and the commissioner's remit in tackling the postcode lottery in service provision.

I think you heard earlier, when the commissioner gave evidence, that we must go further in terms of resourcing a wider range of the community-based services that VAWG victims rely on. It is currently a crucially missed opportunity in the Bill that we do not have a statutory duty that speaks to that wider provision.

It is really important for the End Violence Against Women Coalition that the Bill sets up the crucial principle of equal access to protection and support for all survivors of domestic abuse. We cannot have a situation in law that leaves certain victims behind. In particular, we highlight that migrant victims of domestic abuse are currently left out of the protective measures proposed in the Bill.

Q87 Victoria Atkins: Thank you; that is helpful. I did not get a chance to ask the commissioner this, but are you aware of her plans, once we pass the Bill, to map community-based services across the country so that she has the powers to do so? Presumably you welcome that.

Lucy Hadley: Yes, we do. There is a wider question about the mechanisms through which funding is delivered, and it is also about the amount of funding. We currently see year-long funding pots, and commissioners who do not take a strategic approach to domestic abuse and violence against women and girls service provision. We need to overhaul not only the means of long-term, three to five-year funding—secure funding, across the different public bodies that fund support for survivors, whether they are local authorities, police and crime commissioners or the healthcare sector. We also need to ensure that we are funding these services in a more secure way, stopping

competitive tendering where it is no longer required, and ensuring that local authorities and other public bodies are held accountable for funding these services securely and in the long term. That is where the commissioner can really help.

Q88 Victoria Atkins: I will ask just one more question, because I know other colleagues will want to take this up. What are your thoughts on the use of domestic abuse protection orders to help survivors, stop perpetrators and stop the cycle of abuse?

Lucy Hadley: I think the protection order could be really welcome. Our main concern, and what we hear most of all from survivors, is that poor enforcement is the problem with the protection order system. There are a range of protection orders—non-molestation orders, occupation orders and the domestic violence protection order—and survivors' No. 1 concern with that is poor enforcement.

In our Law in the Making project, which engaged a group of survivors in the development of the Domestic Abuse Bill—you heard from one of those survivors earlier—one woman told us, “My last 11 years were built on 13 harassment warnings, four restraining orders and one non-molestation order, averaging a breach a month.” It is not easy to get a protection order, and when we do get them they are not enforced, time and time again. For us, the key concern with the DAPO is the implementation and the enforcement, and that applies to the new requirements on perpetrators, whether they are requirements to attend a perpetrator programme or to attend drug and alcohol programmes. If that is not in force, and there are not the resources to ensure that the programmes that people are accessing are safe, well monitored and enforced by the police, we are concerned that the orders will not do what they promise to do.

Q89 Victoria Atkins: Of course, a key difference between these new orders in the Bill and other orders is that if you breach the order, that is a criminal breach.

Lucy Hadley: Yes, and that is really important. It has been a problem with the DVPO to date, and it is really welcome that that is included.

Q90 Liz Saville Roberts (Dwyfor Meirionnydd) (PC): To what degree or does this actually do what is required for the Istanbul convention? If it does, great. If not, what needs to be done?

Andrea Simon: I would say that it does not go far enough in enshrining one of the key principles of the Istanbul convention: article 4(3), which speaks specifically about types of discrimination and how the implementation of the convention by parties should involve taking measures to ensure that the rights of victims are secured without discrimination on any of the grounds that are listed in article 4(3). One of those grounds is migrant status; we do not feel there is enough legal protection in the Bill to ensure that there will not be discrimination in the provision of services and support to migrant victims. To remedy that, it is important to insert the principle of non-discrimination into the Bill. That should be applied to any statutory duty on local authorities, or a wider statutory duty on public authorities to ensure that when they are discharging their responsibilities under the Bill, they are doing so mindfully and in accordance with the requirement under the Istanbul convention not to discriminate against certain categories of victim.

Q91 Christine Jardine: Can you tell us how important you think it might be for victims to have access to local authority welfare schemes? Also, do you think the definition of domestic abuse should apply only to those over 16? Please give a reason for your answer.

Lucy Hadley: I will respond to the question on the definition first. I echo my colleague Andrea's points on compliance with the Istanbul convention. Another important means of ensuring the Bill is compliant with the Istanbul convention is to include a gender definition, which I know you have heard a lot about today. We believe that the age limit for domestic abuse should remain at 16. We do not feel that it should be lowered, but we absolutely agree that the definition needs to recognise that children are directly affected by living in a household where there is domestic abuse. We know they do not witness it but experience it, and it leads to long-term impacts on their health and wellbeing. Without clarity that they are specifically affected by domestic abuse and are survivors in their own right, we are concerned that we will still see inconsistent responses to recognising children as victims, particularly in the family courts and in other parts of the public sector, so we really support the proposed change.

On the issue of local welfare schemes, we would absolutely like the Bill to do more on welfare for survivors. The Bill rightly recognises economic abuse as a key part of the pattern of abuse that a perpetrator imposes on a victim, and economic abuse has really significant impacts on access to safety for survivors, and on their ability to leave a relationship and rebuild an independent life. Sadly, many welfare reforms have compounded women's barriers to leaving, from the benefit cap to the two-child tax credit limit and many more. We would like the Bill to introduce a guarantee that the Government will assess the impact of welfare reforms on survivors, and we would also like the Bill to exempt survivors from the benefit cap, because it restricts their ability to move on safely from refuges and to build an independent life after suffering abuse.

Andrea Simon: It is probably unhelpful to extend the criminalisation of under-16s by reducing the age limit. We believe that it is important to have an urgent response or action plan for intimate partner and sexual violence that occurs between under-16s who are in a relationship. At present, the experience of some under-age victims of very serious gender-based and violent crimes committed by perpetrators who are also under 16 can be minimised in a way that they would not if the perpetrator was over 16. That needs to be taken seriously and recognised. We agree 100% with the need for the definition to recognise children and their experiences of domestic abuse, which are often connected to their parents' experiences, but are also distinct. There are certainly many gaps that need addressing, in terms of service provision for children and the resources that are needed to address children's needs.

Q92 Julie Marson (Hertford and Stortford) (Con): As a former magistrate in domestic abuse courts, I have seen women suffer in court and have more trauma imposed on them. How do you feel about the new measures to prevent cross-examination in family courts and to ensure that we can get special measures? How important do you think they are?

Lucy Hadley: At Women's Aid, we think they are absolutely essential measures, and we are so pleased that the ban on cross-examination is finally being brought forward in the Bill. For survivors who are being re-victimised and re-traumatised in the family courts, it is so important that the ban be in place. I think you heard earlier that we would like it to be strengthened and to apply to all cases where domestic abuse is alleged, not just where there is an evidence test for it. Unfortunately, many women who experience domestic abuse will never tell anyone about the abuse, so having a form of evidence is a challenge.

We would like the Bill to go much further on the family courts, and to deliver a safe family court system for survivors and their children. One of the experts by experience in the project I mentioned earlier told us that the family courts were “horrific, traumatic, psychological warfare”, and that the proceedings replicated the abuse of her relationship. That is what we hear time and again.

The family court estate can feel very unsafe for survivors. Sixty-one per cent. of survivors we surveyed in 2018 had no access to special protection measures at all in court. Those are really basic things like screens, separate entrances and exits, and waiting rooms, which are vital to keep them safe from the perpetrator while they go through family proceedings.

We would like to see the guarantee of special protection measures in the Bill extended from the criminal courts to the family and civil courts, because it is vital that women experience consistency across the different jurisdictions. Many women will never go to the criminal courts, but they will use the family courts, and it is important that they get the same treatment.

Finally, we would like a systemic change in the approach to safe child contact with a perpetrator of domestic abuse. There are really serious issues about the understanding of domestic abuse and coercive control by the family judiciary and professionals in the child contact system. Despite robust judicial guidance in the area—practice direction 12J—we continue to see a very strong presumption that parental involvement in a child's life is in that child's best interests, regardless, seemingly, sometimes, of any safeguarding concerns about domestic abuse. We would like to see an end to that assumption of contact in domestic abuse cases, with a focus on child contact arrangements that are always safe and in a child's best interests.

Q93 Liz Twist (Blaydon) (Lab): We were talking about children and the definition. It seems that both organisations accept that children can be victims, as well as observers. Is that correct?

Andrea Simon: Yes.

Q94 Liz Twist: But the concern is about criminalisation. Will you tell us a little more about that, and are there ways to work around it?

Andrea Simon: Is this for under-16s?

Liz Twist: Yes.

Andrea Simon: I think it is probably unhelpful, as I said, to look at criminalising under-16s in terms of the offence of domestic abuse. There are dynamics for

young people who are in relationships that are very concerning and worrying, and they need to be tackled, but we are keen that we do not conflate different types of abuse. There are very specific ways of dealing with child sexual exploitation and child abuse, and to conflate that with domestic abuse would be problematic. That is why it is important to recognise, acknowledge and deal with that, and it is certainly important to deal with and tackle attitudes and behaviours among young people in relationships, but it doesn't necessarily need to sit within this frame.

Lucy Hadley: I agree. We are talking about the impact of living in a household where adults, predominantly, are perpetrating domestic abuse, and the impact that has on a child. Absolutely, there are lots of—sadly, far too many—cases where children and young people experience domestic abuse in their own relationships, but as Andrea said, that requires a strategy, focus, attention and resources, and ways to tackle healthy relationships and to recognise what is not healthy and what is potentially coercive and controlling behaviour. Hopefully, this sex and relationships education that is to become statutory for schools will go a long way to help with that, but the risk of the law conflating child abuse and domestic abuse, and criminalising children who are perpetrating unhealthy behaviours between themselves, is concerning.

Q95 Liz Twist: There are a number of issues here, are there not? One is the issue of under-16 relationships, and clearly that is a real concern, but there is also the issue of how we best protect children who live in a household where there is domestic abuse. They might not only observe that, but feel the direct impact of it. How can we best protect those children, their rights and their access to services?

Lucy Hadley: We absolutely support making clear in the definition that children are impacted by domestic abuse, and that they are survivors in their own right. The amendment tabled today would do that, in addition to statutory guidance that explains the types of impact that domestic abuse has on children, and why just witnessing domestic abuse is not what we mean here; it is about living in an environment of fear and control that has really devastating impacts on children's wellbeing and development. Clarity in the law and clear guidance would really help.

Andrea Simon: We must be clear as well that children are not just one grouping. There are children in migrant families who are very much failed by the inability of a parent with no recourse to public funds to access the kinds of support and assistance that they need. Children in those families face a number of impacts, such as enhanced child poverty and not being accommodated safely because of their parent's inability to access safe accommodation.

Where there are language barriers, there are cases where children in migrant families act as translators for their parents. To have to describe to the authorities the abuse that one of your parents has faced is extremely traumatic. That is the context for some migrant children in abusive households.

Q96 Peter Gibson (Darlington) (Con): Could you outline for us the role that the domestic abuse commissioner will have in helping the court service to understand domestic abuse?

Lucy Hadley: I think the domestic abuse commissioner's appointment is really helpful right across the public sector. She has duties, and public bodies are required to respond to her recommendations in a range of different areas, from criminal justice to health, as are other Government Departments. That is really important.

However, we need to recognise that the domestic abuse commissioner's remit is focused on driving up standards, improving practice and ensuring that we have consistent responses to survivors across the public sector. I absolutely think that the commissioner would be able to map special measures, for example, in court systems, or map different practices in different parts of the public sector. However, without the robust legal framework that the Bill could deliver for ensuring equal access and equal provision of measures such as those for special protection, or to ensure that migrant women with no recourse to public funds can routinely and consistently access support, it will be difficult for the commissioner to hold accountable the bodies that they need to. We need the law to be really clear on consistent access to protection and support for survivors; the domestic abuse commissioner can then hold public bodies accountable for that.

Andrea Simon: The domestic abuse commissioner has said that having a cross-government framework is really important. We have had the VAWG strategy for some 10 years—a cross-departmental strategy focused on tackling and ending violence against women and girls. The responses of every part of Government need to be co-ordinated. That is very important for the domestic abuse commissioner's work.

Q97 Jess Phillips: Lots of my questions have been answered. I used to work for the same organisation, so I know that Lucy works with organisations that work with victims of modern slavery. Andrea, do you work with any such organisations, or have any knowledge of modern slavery?

Andrea Simon: Somewhat, because in a previous role I worked in the trafficking sector.

Q98 Jess Phillips: Have you ever dealt with the national referral mechanism?

Andrea Simon: I have, in a previous role, yes.

Q99 Jess Phillips: Me also, many, many times, when I worked for the organisation that Lucy works for. Have you ever seen cases of domestic abuse taken through the national referral mechanism?

Andrea Simon: That is not the purpose of the national referral mechanism.

Jess Phillips: Could you explain the purpose of the national referral mechanism?

Andrea Simon: It is to deal with trafficking victims. You would not refer a victim of domestic abuse to the national referral mechanism.

Q100 Jess Phillips: Let us say that a woman had a spousal visa, or did not but was here with a partner, and was essentially being treated like a slave in their home, which would not be uncommon. Would support organisations—including Women's Aid, where Lucy works—ever refer those women to the trafficking service that exists in this country, run by the Salvation Army?

Andrea Simon: No.

Q101 Jess Phillips: You would never do that. Has any part of the VAWG strategy in this country ever made this suggestion for migrant women? Have there ever been any conversations, in the meetings that you have had, saying that migrant women should be using the national referral mechanism?

Andrea Simon: No.

Q102 Jess Phillips: It is just that the issue has come up a few times today, and I wanted some clarity. I would like a tiny bit more clarity specifically on that. If a migrant woman in, say, Bradford was in a situation and went through the national referral mechanism, what sort of support could she expect from that?

Andrea Simon: It does not necessarily provide support. There is a reflection period—I have forgotten the name—a recovery and reflection period.

Jess Phillips: It is called a reflection period.

Andrea Simon: Yes, but it is not the specialist wrap-around support that is run by and for black and minority ethnic and migrant women. That is not replicated through the national referral mechanism.

Q103 Jess Phillips: Would it necessarily be gender-specific?

Andrea Simon: No.

Q104 The Parliamentary Under-Secretary of State for Justice (Alex Chalk): We all want public money to go as far as possible, and to go where it will be most helpful. As a result of covid, some £76 million or so is going into the sector to support victims of domestic abuse and sexual violence. How can this Bill ensure that that money goes where it is most needed, and that we, as a society, get the most bang for our buck and the most justice for the money that we are spending?

Lucy Hadley: Just to be clear, it was £27 million for domestic abuse and a further £13 million for sexual violence; I think the other funding pots were for vulnerable children and for other vulnerabilities during this time. That money is absolutely essential; it is really welcome. As I mentioned before, covid-19 has hit this sector at a time when it was already really vulnerable. It has been experiencing a funding crisis for a very long time, so it is vital that the money reaches the services that are protecting and supporting some of the most vulnerable people during this period.

What our member services tell us is that one-off funding pots provide them with no security and no ability to plan ahead or retain and recruit staff for the long term. What we would really like to see underpin the Bill's very important statutory duty on local authorities to fund support in accommodation-based services is a commitment to long-term funding, so that year on year, services or local authorities do not have to competitively bid into different funding pots. That would provide us with a framework, so that services could plan ahead, get on with doing what they do best, which is supporting vulnerable women and children, and not spend significant amounts of time on tendering processes or bids for different funding pots.

We have estimated that fully funding the Government's statutory duty would cost £173 million a year in England; that would ensure that the national network of refuges could meet demand. As we know, we are 30% below the recommended number of bed spaces in England, and

64% of referrals to refuges are turned away, so we would like a long-term funding commitment underpin the duty.

Q105 Alex Chalk: May I drill down on one issue that has come up a lot: regional variation, and making sure that the service is more uniform and consistent? As you rightly point out, a lot of money is going through police and crime commissioners. How do you think this Bill will help to provide the tools to ensure that police and crime commissioners in county A are doing as good a job as police and crime commissioners in county B, so that we get the consistency that women and victims deserve?

Lucy Hadley: The duty will include requirements on local authorities to report back to Government. We would really like stronger national oversight of the duty, because refuges are a national network of services. Two thirds of women in refuges are from a different local authority area, so we cannot just leave this to local authorities. We would like to see the national oversight proposed by the Ministry of Housing, Communities and Local Government clarified in the Bill. That would help with the national oversight of those different local approaches that you are talking about.

We would really like to see police and crime commissioners and other funders get much more involved in funding support for domestic abuse. That is where the commissioner's role in mapping and monitoring service provision is really important. There are concerns that a statutory duty on accommodation-based services alone is not the same as the duties that the commissioner has.

The Chair: Order. I am afraid that brings us to the end of this very valuable session. I thank our two witnesses very much for giving evidence.

We now move on to the next session. As the Committee is aware, one of our witnesses is giving evidence down the phone, so we will pause for a minute while we make the connection.

Examination of Witnesses

Ellie Butt and Suzanne Jacob OBE gave evidence.

3.15 pm

Q106 The Chair: We will now hear oral evidence from Refuge and, via the audio link, SafeLives. Thank you both very much for giving evidence. I hope everyone will be forgiving of the fact that this is an unusual way of giving evidence, and it may take a minute or two to get it all working properly. Can our two witnesses introduce themselves for the record? Perhaps I will ask Suzanne to do that first.

Suzanne Jacob: Hello everyone. Apologies for not being able to be there in person. My name is Suzanne Jacob, and I am chief executive of SafeLives, which is a UK-wide domestic abuse charity working to end abuse all over the UK. We believe in a whole-picture response to domestic abuse, which means addressing the needs and challenges of every family member—those harming as well as those who are being harmed—and linking issues. We do not see domestic abuse in a silo, but consider how it is closely linked and correlated with issues such as mental health and so on.

Ellie Butt: Good afternoon. I am Ellie Butt, and I am head of policy and public affairs for Refuge, which is a national charity that provides specialist services for survivors of gender-based violence, including refuges and community-based services, and we run the national domestic abuse helpline.

The Chair: Thank you very much. We have until 3.45 pm for this session.

Q107 Victoria Atkins: Great to have you both with us. Suzanne, I will ask you about perpetrators, because that is a really important part of the Bill. The Government and PCCs have invested in Drive, which is a programme to address serial perpetrators. To what extent is it making a difference?

Suzanne Jacob: Drive is a very important tactical intervention against perpetrators of domestic abuse. It deals specifically with high-harm and high-risk individuals, which means that they pose a risk of serious harm or murder to one or more family members. It is making a difference, and we are extremely proud of the consortium of organisations and funders who have supported it. It has been a very good team effort so far.

Drive responds to one particular cohort of those who use abuse. There is a very broad spectrum of individuals who use abusive behaviours in their family life. With 80-plus other organisations, we are calling for not just Drive but DAPOs and other really important tactical provisions to be set within the context of a comprehensive strategy about the perpetrators of domestic abuse. In exactly the same way, for years we have had a really concerted strategy called Pursue around counter-terrorism, and we have had the same for organised crime. It is overdue, and it could be a really good sign of the Government's ambitious intent to have a strategy around those who use abuse.

Q108 Victoria Atkins: That is helpful, thank you. What is your view on programmes for perpetrators being included as a positive requirement when DAPOs are issued?

Suzanne Jacob: I think it is really helpful. We are very supportive of the amendment, which Members will have seen, around quality assurance for those programmes. Quality as well as quantity is vitally important when it comes to perpetrator responses, because the risks are very great and we know that, as with any industry, you can get the corner shop or backroom options, trying to do things on the cheap, which is not safe and not effective. So we very much welcome the provision and we would like to see something further, and something solid, in there about the quality assurance process for that.

Q109 Victoria Atkins: Thank you, Suzanne. I have one question for Ellie. You will have seen that the Government are bringing forward an amendment to the Bill, to provide that victims of domestic abuse are automatically considered to be in priority need for homelessness assistance. How will this help victims, in your view?

Ellie Butt: We really welcome that amendment. It is something that we worked with other organisations in this sector and the homelessness sector to bring about.

It is important particularly for survivors without children, who currently are not entitled to priority need automatically. It will be an enormous help for that group of survivors and we welcome it.

I think there is a lot more to do around housing for survivors of domestic abuse. Hopefully we will come on to talk about it, but the legal duty for refuges is particularly crucial, because there still are not enough places to meet demand; but, yes—absolutely—it is brilliant that that change is being made, and it will offer protection to that particular cohort.

Victoria Atkins: Thank you. Colleagues will have lots of questions, so I am going to draw myself in, as it were, now.

Q110 Andrew Bowie (West Aberdeenshire and Kincardine) (Con): My first question is to Ellie, but Suzanne, if you can hear me I will take you as well in the same question. We had the designate domestic abuse commissioner in earlier on and she described how we were taking huge strides and being innovative in our approach to tackling domestic violence, where there is a proper integration of the domestic abuse commissioner position to begin with. Where you do see her, or whoever might hold that post in the future, actually having the most impact?

Ellie Butt: We really welcome the creation of the role of domestic abuse commissioner and the appointment of Nicole Jacobs, who I think is already doing brilliant work in this field. We think her particular strength will be understanding what service provision is going on, mapping that and looking at its quality—the gaps—and reporting and making representations to the Home Office and Parliament about it.

Something that I would really like to see, as well, is her bringing in areas of Government that I think currently do not do enough work in this field. For example, the Department for Work and Pensions has an enormous role here. Something that the Bill is going to do is define economic abuse, within the definition of domestic abuse. That is brilliant, but we want to see much more in terms of protecting survivors of economic abuse. We want to see some changes to the welfare benefits system to bring that about, including making advance benefit payments grants, rather than loans, for survivors of abuse, and the single household payment system being made into a separate payment system. I think Nicole has the capacity in her role—or whoever might follow in that role—to look at what those Departments, which we do not usually hear about when we talk about domestic abuse, are doing. I think there is an awful lot of potential there.

It is also important, though, to recognise that her role is currently a part-time role, with a relatively small budget. She can do lots in bringing issues to light and improving our understanding, but major gaps still need to be rectified through changes to the law and funding, and policy as well.

Q111 Andrew Bowie: Suzanne, I do not know whether you heard my original question, but if you had a shopping list for the new designate domestic abuse commissioner, what would you prioritise for her to focus on?

Suzanne Jacob: Apologies, because I am struggling to hear Ellie, so I may at times repeat some of her no doubt very good points. Everyone in the sector hugely

welcomes not just the creation of the role, but the appointment of Nicole Jacobs specifically. She is an extremely adept and well qualified person, and as many people have said she is already making a difference in the role. I think we have to be a little bit careful in terms of overstretching our expectations not just of what the person can do but of what the role can do, and making sure that we do not blur the boundary between the Government's responsibility and the responsibility of the independent commissioner.

It is particularly important to make sure that we do not end up with things parked with the commissioner that can and should be dealt with much more quickly. For example, at SafeLives, we are concerned that as currently drafted, the statutory duty does not live up to the big ambition that we know the Government have around responding to domestic abuse, supporting as it does just 0.5% of the total of the more than 2 million victims who experience domestic abuse every year.

The mapping process that has been suggested for the commissioner, I would suggest, is a repetition of quite a lot of mapping processes. I have been at SafeLives for five and a half years and I think we have taken part in at least one, if not more, mapping processes with the Government every year that I have been in post. I suggest that, in terms of priority need, it is that cross-Government picture that will be really important. The commissioner made the point clearly that the Home Office and the Ministry of Justice in particular have borne the burden of domestic abuse for many years, but actually every single part of Government has a big role to play. We have not seen all parts of Government playing that role particularly well in the past.

In terms of priorities, it would be brilliant to see the commissioner, as Ellie said as well, resourced to address things such as the family court, domestic homicide reviews, mental health connections to domestic abuse, and the needs of children and young people, which primarily sit outside the Home Office and the Ministry of Justice. That is where I would love her to start.

Q112 Peter Kyle: Ellie, you will often be the first point of call when people call the helpline. What are the barriers to support that go beyond the helpline?

Ellie Butt: The national domestic abuse helpline is a national resource that is often, as you say, the first place a women might call if she thinks that she is experiencing domestic abuse, wants to talk to somebody, or is looking for a service or some information or advice. We have seen demand for that service increase hugely since the covid-19 pandemic struck. Our calls and contacts are up by 66% and web traffic, which includes the ability to live chat with our helpline team, has increased by more than 900% in the last few weeks. It is a hugely important and in-demand service.

There is the challenge of just ensuring that we can meet that demand. It is also important for the helpline team and for women calling the helpline that they have somewhere to go and there is a service for them when they call. That is why what is really needed to accompany the Bill is funding for the full range of specialist services that women and children need. We know that there are not enough refuges to meet demand in this country. I have been looking at the stats this week and the number of women calling the helpline, seeking a refuge place and there not being one suitable for them has been

slightly increasing over the last few weeks. That is a huge worry. There is a real opportunity with this Bill to fix that and to get the duty right, so the full range of services that women need is there for them.

I know that you have already heard lots of evidence about this today, but the support for migrant women is not good enough. There are often very few options for them if they have no recourse to public funds. Again, the Bill is a real opportunity to fix that so that all women can access the range of services from the specialist third sector and from public services. Those are some of the key challenges when women call the helpline.

Q113 Peter Kyle: With regards to the commissioner, everyone in this room shares your sense of excitement about the creation of the role and pleasure that the appointment has been made. How important is it to you that the role of the commissioner is independent of Government, and is demonstrably independent of Government? Does that make a difference to you?

Ellie Butt: Yes, it does. It is really important that the commissioner has her independence so that she can determine what issues she wants to look into, speak truth to power, have difficult conversations with decision makers, and have the confidence of her independent role so that the organisations that have given evidence today and survivors themselves can work with her. I think it is really important and should be protected and strengthened as much as possible.

Q114 Peter Kyle: When you look at the legislation as it stands, do you feel it goes far enough? Would you ideally like a commissioner who is freer from Government and reports elsewhere?

Ellie Butt: I know there have been different recommendations about whether the domestic abuse commissioner should report to Parliament or the Cabinet Office. I do not necessarily have strong views on that; it is just crucial that, wherever she is reporting, she has independence. I am open to the Cabinet Office idea, but the relationship with the Home Office is also important, because it is a cross-Government issue, but the Home Office has a key responsibility in this area.

Q115 Peter Kyle: My final question to Suzanne is about cross-examination in family courts. It is a bit strange speaking out into the ether, but I know you are there somewhere, Suzanne. The legislation outlaws the vast majority of cross-examination. Do you believe it goes far enough? If you think it should go further, specifically what else would you like to see?

Suzanne Jacob: I think you have heard from many of the witnesses today what an incredible ordeal family court is at the moment. Anything that can improve that process is important to do, so we at SafeLives are very supportive of the amendments that Women's Aid has suggested, in terms of going further and getting rid of cross-examination from all parts of the court process when someone is facing an alleged abuser or ex-abuser. That is really important.

There are also a number of other suggested changes from other organisations around the role and expertise of the Children and Family Court Advisory and Support Service, for example, which we think are important. There is currently something innately adversarial about

the family court process, which makes it an incredibly painful thing for both adults and children to go through. Many, many women who go through the family court process would tell you that they would rather they had just stayed with the abuser rather than go through family court, which is a horrible indictment of our current processes.

Q116 Alex Chalk: I have a couple of brief questions and then something particular, if I may. All of us here will want to make this Bill the best it can be, of course, but do I understand you to welcome in broad terms the fact that there is a Domestic Abuse Bill, in principle?

Ellie Butt: Yes, absolutely.

Q117 Alex Chalk: May I take that a little further? Do you welcome what is contained within it, even if there may be other things you want? Can I take it that there is nothing in here that you think takes the cause of protecting victims backwards? Would you agree that this is all a step in the right direction?

Ellie Butt: I would agree with that. Some of the measures in the Bill have the potential to have a positive impact, but there are some significant problems that need ironing out for them to achieve that potential, particularly the duty to assess need and provide for domestic abuse safe accommodation. There are some big questions about that, one of which is the funding—it really needs to be fully funded to work. Colleagues at Women's Aid have estimated that that is about £175 million a year. Then what happens to those services that do not fall within that duty? There is a real risk that we could lose those, which is exactly what we do not want.

The Bill has been criticised in places for being too focused on criminal justice. While I think a full range of reforms is needed in all the different areas of life that affect survivors of domestic abuse, there are particular changes that we can make to the criminal law that would increase protection for survivors. Something we at Refuge work on a lot is abuse through technology. There is a big gap in the criminal law at the moment around threats to share intimate images, and survivors do not have recourse. It is a hugely powerful tool of coercion and control, particularly post separation, and there is a real gap there that the Bill could address quite straightforwardly. There is a lot in there, and I take your point, but I also think we need to take the opportunity we have now and make it as good as it can be.

Q118 Alex Chalk: You would not be doing your job if you did not say it could be improved—I quite get that. May I ask one other thing? One particularly powerful bit of evidence that you gave was about how, in recent weeks, the number of calls to the national domestic abuse hotline, which you run, has skyrocketed and you have used live chat to assist. We know that the new domestic abuse commissioner will have a role to scrutinise how all those services are being provided. Would you welcome her coming in to say, "Look, you have had £2 million from the Government to assist with bolstering your services. I, the domestic abuse commissioner, would like to get under the bonnet of what you are doing at Refuge, to really find out whether it is doing what we all hope it should be doing."?

Ellie Butt: Yes, she is very welcome.

Alex Chalk: Is she welcome to come in?

Ellie Butt: Of course. Well, not right now, because we are all working from home—but absolutely. Minister Victoria Atkins has visited the helpline. The domestic abuse commissioner would be more than welcome to do that.

Q119 Alex Chalk: The reason I ask is that we want, of course, to make sure that this critical resource is doing what we expect. We hear evidence from you and we take it at face value, but do you agree that the commissioner can play a role in adding to public confidence that that public money is having the impact that we all wish it to have?

Ellie Butt: Absolutely. I am sure that she can and, at the same time, draw attention to what is not being done and where gaps are. You will have heard already that domestic abuse services are largely run on a shoestring. I would say this, but I think Refuge does brilliant work and lots of the organisations in the sector do brilliant work, but there is absolutely room for that to be scrutinised, for improvements to be made where they need to be made, and for gaps to be filled where they are not funded and there is unmet need.

Q120 Liz Twist: Ellie, can I ask you about children? On Second Reading, a number of MPs talked about their concerns about how children would benefit from the changes in the Bill. Could you tell us where you think it could be improved for children?

Ellie Butt: We support the argument that children need to be in the definition of domestic abuse. Children are victims in their own right; they are never just witnesses. There are some small improvements being made in understanding that, but it needs to go much further.

One thing that struck me when I first started working for Refuge and has never stopped is that on any given day, half the people in our refuges—we provide around 48 refuges—will be children, yet we receive little to no funding to do work and support them directly; we fundraise for that. That is not right. These are hugely vulnerable children who have experienced the trauma of growing up in a house with one parent who is abusive. We need to do so much more for children, including providing specialist services for them.

Q121 Liz Twist: A concern has been raised that if children are not included in the definition, there is a chance that there will be less provision of community-based as well as accommodation-based services. Is that a concern that you share?

Ellie Butt: Yes, it is. We would definitely support them being in the definition. The definition is going to be really important as a driver of awareness and understanding. If they are not in there, that will have an impact. It is going to be used and quoted in training and strategy development and when people are making funding decisions about services in their area. It is really important that if we have a statutory definition, it needs to be comprehensive and include the impact on children as well.

Q122 Liz Twist: Thank you. Can I ask both Suzanne and Ellie what changes you would seek to make to welfare provision, in order to ensure that victims and their children are able to escape violence and oppression? Suzanne, could you start?

Suzanne Jacob: Apologies, but I want to just go back briefly to the previous question, because I did not get the chance to come in. The question was about whether we welcome the Bill overall and think that the current content is okay.

We hugely welcome the fact that there is a Bill. We have always supported it and we will continue to support it. What I would say is that when survivors have looked at the current content of the Bill, their patience and enthusiasm is not quite there anymore, and there is a great deal that we could do about that. What I would not prioritise is having a Bill; what I would prioritise is having the right Bill. Given that we have, for lots of very good reasons, had to wait quite a long time for the Bill to make its way through, I think we can afford to take a little bit more time to make sure that some of the things we have been talking about and other people have been talking about in their evidence are properly addressed, and not just pushed aside in the need to get the Bill on to the statute book.

In particular, in terms of what is currently in the Bill, as I mentioned before, the statutory duty is a very concerning part of the Bill as it is currently drafted. I know that it has very good intentions behind it—I do not doubt that for a second—but it falls into that big, gaping hole between Government Departments and responsibilities, because what we have got is something that speaks only to the very tiny minority of domestic abuse victims who use accommodation-based services and absolutely excludes everybody else.

Having heard the Prime Minister talk eloquently at the hidden harms summit a couple of weeks ago about the role of independent domestic violence advisers, lauding them and saying just what valuable work they do for tens of thousands of people a year up and down the country, it seems very odd that the Bill contains a statutory duty that purposely excludes IDVAs.

I turn to the question about children. SafeLives has grappled with the idea of whether the definition is inclusive enough of children and whether the age limit should be changed. We very much support the Barnardo's amendment, which suggests that rather than nudging at the age limit—with all the complexities that that brings, as Andrea and Lucy talked about a moment ago—we are in favour of children being recognised as victims in their own right and removing those age barriers. Somebody who is in an abusive situation, whether they are aged five, 13, 24 or 54, is a victim of domestic abuse.

Regarding welfare provision, split payments are something that everyone across the whole sector is crying out for. Surviving Economic Abuse has called for them as something that would make a difference, and it seems to most of us to be common sense.

Q123 Liz Twist: Ellie, did you want to comment on the welfare issue?

Ellie Butt: Yes. It is a huge issue for women in our services. As I said, it is really good that economic abuse will be in the new definition, but we need to do more to try and prevent that abuse and support survivors. Suzanne has already mentioned the single household payment structure, which makes it very easy to control the entire household income. That can act as a real barrier to leaving, because women simply cannot access any of the money that they need to leave.

The other problem is the minimum five-week wait when you apply for universal credit. Lots of women who come into Refuge apply at that point, because that is when their circumstances change, or that is when they apply for welfare benefits for the first time. Then they have that minimum five-week wait, and for many of them it is much longer; because of economic abuse, they might not have been allowed to have a bank account, or they might have fled without their ID documents. It is a really long period of time in which they are largely reliant on food banks and other forms of charitable provision.

Advances are available, but they are loans; they are not grants. They have to be repaid immediately, and they are quite significant deductions. It would be hugely welcome if, in this Bill, the Committee decided to make those advances grants rather than loans. That would hugely help women who are at the point of fleeing an abusive person, as they would not have to make the choice between safety and the real, acute financial hardship that I do not think anyone in this room would think is right.

The Chair: Thank you. We only have a couple of minutes, so we will have a quick question from Liz Saville Roberts.

Q124 Liz Saville Roberts: We have the domestic violence disclosure scheme and DAPOs, but they both maintain the onus on victims to take the initiative. There has been talk about a register for serial stalkers and domestic abuse offenders, along the lines of the violent and sex offenders register. Why can that not move ahead? What is preventing it? It seems a logical step, to take the onus off the victim or potential victim and shift it on to proven offenders.

The Chair: I am afraid that this will have to be a very short answer.

Suzanne Jacob: I am sorry, but I could not hear the question.

Q125 Liz Saville Roberts: What is preventing the adoption of a register of serial stalkers and domestic abuse offenders, along the lines of the register of violent and sex offenders, given its importance in shifting the onus away from the victim and on to the perpetrator?

Suzanne Jacob: At SaveLives, we believe very strongly that there needs to be comprehensive work wrapped around perpetrators of abuse. We believe that there need to be individual caseworkers of the kind that are supported by Drive, which the Minister mentioned, and indeed all sorts of other programmes. However, we also believe there needs to be a really strong multi-agency response, co-ordinated either through a multi-agency risk assessment conference, or MARAC, which is an existing procedure, or through a dedicated perpetrator panel.

The creation of another register is not something that we currently support because we know that the post-Soham recommendations were that the police are overwhelmed with the different databases and systems that they have got.

Ellie Butt: At Refuge we agree; we are unsure whether a register would make the significant difference that we need. Part of the problem is that a lot of perpetrators are not known to the police, and that is one of the concerns with Clare's law as well.

The Chair: I am sorry, but that is the end of this part of the sitting. I thank both of our witnesses very much for their evidence this afternoon. It is much appreciated.

Examination of Witnesses

Giselle Valle and Lyndsey Dearlove gave evidence.

3.45 pm

The Chair: We will now hear oral evidence from the Step Up Migrant Women campaign and from Hestia. Thanks to our witnesses for coming. Will you please introduce yourselves for the record? Then members of the Committee will ask you questions.

Lyndsey Dearlove: I am Lyndsey Dearlove. I am head of UK SAYS NO MORE—Hestia's national prevention campaign—and from the charity Hestia.

Giselle Valle: Hi. My name is Giselle Valle. I am director of the Latin American Women's Rights Service. We are a human rights organisation led by and for Latin American women. We are a feminist organisation working with migrant women. Very shortly we will be leading the Step Up Migrant Women campaign and coalition of over 50 organisations in the migrant sector, women's sector and social justice sector.

Q126 Jess Phillips: Thanks for coming. I was going to ask you to explain what the Step Up Migrant Women coalition is, but you have done that. It is lots of different organisations. The Step Up Migrant Women's coalition is calling for several things to be part of the Bill that currently are not. Can you give us a quick rundown of those?

Giselle Valle: Yes, we are asking for four things. The first one is to include provision mirroring the Istanbul convention on protection for all victims of domestic abuse. The second one is establishing a separate reporting pathway for migrant victims of domestic abuse. The third one is an extension of the domestic violence rule and destitute domestic violence concession to include not only a longer period of time for the concession, but also higher eligibility for women who are not married to British citizens. The last one is to allow migrant victims to remove the no recourse to public funds requirement in visa applications for migrant victims of domestic abuse.

Q127 Jess Phillips: Specifically on domestic violence and destitution—it used to be called something else, and I still want to call it that—you can get destitution funding only if you are on a spousal visa. Is that correct? So that means you come here as a partner of somebody who is British or European and was living in another part of the world. Is that correct?

Giselle Valle: That is correct. It only applies to spouses of British citizens living outside. For example, one of the survivors who gave testimony today—Gil—was completely left outside on the basis that she was not married. So it leaves a high amount of domestic abuse among migrant victims outside of the protections.

Q128 Jess Phillips: On the women you work with at LAWRS, as well as in the Step Up Migrant Women coalition—let us leave the people who are on a spousal visa to one side—what sorts of visas do the other groups of women that you support have?

Giselle Valle: The ones that are lucky to have the required visas can be on partner visas or family reunification visas. This is a crime that can also touch on children when there is domestic abuse within the family, not other types of abuse. We also have women who are on working visas or student visas who have become undocumented, sometimes through no fault of their own—a lot of the time, really. There is a wide range of visas that women are on.

Q129 Jess Phillips: So if you are a student in this country and you came over here from, let's say, Venezuela, and you were abused by your partner, you currently would not be able to access a refuge. Is that correct?

Giselle Valle: You are not able to access a refuge; you are not able to access any state support; and you are more likely than not to be turned away by the police when you try to report these crimes. The services you are going to be able to access are going to be very limited.

Q130 Jess Phillips: Have you seen any cases where victims of domestic violence have come forward and ended up in immigration detention?

Giselle Valle: Yes. We have a report with King's College London that was published last year that pointed to four cases of women who came to report a crime and found themselves in detention.

Q131 Jess Phillips: Thank you. Quickly to Lyndsey, I think that Hestia are specifically looking at some of the issues around children in the Domestic Abuse Bill, if I remember the 17,000 briefings that I have read in the past week. What exactly do you want to see from the Bill?

Lyndsey Dearlove: One of the key things is seeing children recognised as victims in their own right. That in turn will mean that they can access funding, which will then mean investment in recovery. We have seen time and time again that provision for children is very varied across the country, and also dependent on funding: depending on what year you went to a service, for example, you would get support.

The other piece is the fact that lots of support for children is centred on accommodation. If you are accessing a refuge, then you have support because you are in the home, but a huge group of people are not accessing refuges and living within their own homes, being supported by independent domestic violence advocates. Those children in particular are seeing the same level of domestic abuse and experiencing very similar impacts on their emotional, psychological and practical needs, but have no access to support. What we want to see is a strong focus on the provision for support as that turns into protection and stopping the repeat victimisation of individuals. For us, it is about having a very clear mention of how children are victims in their own right.

Q132 Jess Phillips: From your experience as a provider of services—you provide refuge accommodation, is that correct?

Lyndsey Dearlove: Yes, we do.

Jess Phillips: And community support?

Lyndsey Dearlove: Yes, we do.

Jess Phillips: Both of them. Okay, great.

Lyndsey Dearlove: And MARAC.

Q133 Jess Phillips: And MARAC—multi-agency risk assessment conference. From your experience in the areas where you operate, if a child living outside of a refuge—let us say, a high-risk MARAC case—came forward to the MARAC, how many times out of 10 do you think that child would be getting specialist support for the domestic abuse they are suffering?

Lyndsey Dearlove: I spent a couple of years as a MARAC co-ordinator, and I managed a MARAC in London. In that time, the provision of support for young children was about whether they met the threshold for social services, and in that instance, the support was about keeping them safe. At no point was there any offer of provision to enable children to look at their own mental health and examine their traumatic experience, because that provision just did not exist within the community.

Q134 Victoria Atkins: We all speak in acronyms, but for anyone who is not familiar with the term MARAC, can you please explain what it is?

Lyndsey Dearlove: A multi-agency risk assessment conference falls very much in line with the co-ordinated community response model, which is about bringing as many organisations together as possible and them all seeing that domestic abuse is a core issue. It entails a group of individuals who are named by their organisations to present and represent the cases on which they work. The majority of MARACs focus on the entire family: provision is put in place to keep the victim safe along with their children, but they also focus on prevention and holding the perpetrator to account.

When MARACs work well, they can be really effective. However, one of the challenges with MARACs is that although we have a huge need for people's cases to be heard, the threshold for reaching and being heard at MARAC is often being deemed to be high risk. Obviously, risk is incredibly dynamic when it comes to domestic abuse, and with MARAC being once a month, your risk can change from day to day: you could have been able to use it, but then you cannot.

Q135 Victoria Atkins: I am interested in your thoughts on children, Lyndsey. I think we all accept and agree about the impact that domestic abuse can have on children living in households. I do not know whether you are familiar with clause 1 of the Bill, which specifically refers to abuse and to children being used as a form of abuse. Do you think that will help?

Lyndsey Dearlove: I think it is very important for us to recognise it, and it needs to be recognised by the professionals within the criminal justice system. We know from numerous experiences—it is something that victims of domestic abuse tell us nearly every day—that domestic abuse does not end at the point of separation, and that in the criminal justice system, especially around family courts, children are consistently used as a weaponised tool to control and prevent somebody from moving on into a new space.

Q136 Victoria Atkins: Giselle, thank you so much for joining us today. I was struck by your comment that the women whom you are helping are likely to be turned away by the police. Why do you think that is? The police should investigate any offence, regardless of one's nationality or immigration status.

Giselle Valle: Because in our experience what happens is that the police focus very quickly on immigration status. Once they find that somebody's immigration status is not secure, they outright deny the service and say, "Just go back to your home country," or they refer them to the Home Office so that they get sent back to their country. This process ensures not only that the women will not be supported, but that perpetrators are actually getting away with it, just on that basis alone.

Q137 Victoria Atkins: How common do you and your organisation believe this is?

Giselle Valle: In our organisation it is quite prevalent. A referral to the Home Office instils such fear that it is really difficult to convince women to go to the police, even when they are supported by our organisation. A freedom of information request—I think it was one or two years ago—revealed that about 60% of police forces in the country make referrals to the Home Office, which essentially closes the door on women who are experiencing domestic abuse and thinking about reporting it to the police, but who realise it would be highly dangerous for them and sometimes for their children, so they refrain from doing so.

Q138 Victoria Atkins: I appreciate that it was a FOI request, but do you know what was asked by the police of immigration enforcement?

Giselle Valle: The question was about referrals to the Home Office. They said, "Yes, we do."

Q139 Victoria Atkins: The reason I am asking is that it may have been that the police were checking the status. I am trying to understand where the 60% figure has come from.

Giselle Valle: I think the question is about referrals, not about checking immigration status. It is about actual referrals to the Home Office.

Q140 Peter Kyle: Obviously the conversation we are having is framed around the Bill, because we are starting the process of the Bill Committee. There is a lot more that you want in terms of protecting children and young people. Lyndsey, if the Bill did not exist, how would you approach the legislative challenge of protecting young people and giving them the kind of protection that you believe children need?

Lyndsey Dearlove: I think there are two parts to it. The Bill now speaks to big issues, but there are some practical issues that can make a real difference for children who have experienced domestic abuse. Some of that is about looking at their interaction with the NHS and at how they can maintain their appointments. One woman, who has allowed me to tell her story, came into our refuge after she had waited about 18 months for a referral to a speech therapist; she was concerned about her daughter's speech. The social worker in the area told her that she had to leave and move into a refuge. After arriving in the refuge, she waited another 8 months for a referral to speech therapy. She was then rehoused, but her child was too old to benefit from speech therapy. Having a protected status on NHS waiting lists can be really important and can enable somebody to make the decision to leave and flee, without having that as a hindrance.

The other factor is looking at children's access to schools and making sure they have that as soon as possible. Within primary schools the time can be quite reduced, dependent on which area of London you are in. If you are talking about secondary schools and GCSEs, getting a child back into school and into a school rhythm is exceptionally important. We now see that children have been forced to travel, pre-covid-19, across two or three boroughs. Unfortunately, in one instance, a gang picked up this young person, whose movement was known because they were going backwards and forwards, and used them to transport drugs. We know those opportunities increase vulnerabilities for children. If we can do some of the really simple, practical measures that can reduce that, they do make a big difference.

Q141 Peter Kyle: The commissioner would have the power to make recommendations to other Government Departments. Although not everything is mentioned in the Bill, there is a vehicle for taking things forward and engaging with other Departments. We cannot predict the future, but do you think that, based on the powers you see in the Bill, the commissioner will have an unignorable voice in trying to get the changes for the two circumstances you have just illustrated?

Lyndsey Dearlove: I am going to be honest and say this: when multi-agency risk assessment conferences were launched in the UK, we all came together as professionals and we stepped up. We did excellently for the first couple of years at making sure the right information was on the right days, and that everybody was sitting in the room listening to the right topics. We know that has dissipated over the past couple of years, so holding to people to account and having legislation in place will always be valuable. We cannot underestimate the value of having a Bill that talks about children and makes provision directly for children who are experiencing domestic abuse.

Q142 Peter Kyle: Is that diminution because of the normalisation of that, or the frequency? Why would that happen?

Lyndsey Dearlove: It is about prioritisation. It is about capacity. It is about having the right person in the post who gets the right set of training. We know that people move on into different roles, and there is a transition. It is about what we must not have. Someone said to me very early on that we must not have people who are championing issues around domestic abuse who then retire or move on to different roles, and that championing disappears. We have to have a consistent voice, because our victims are consistently telling us the same thing.

Q143 Peter Kyle: So we need something that is unignorable? Part of that is about creating the opportunity for it, and part of it is making sure that the vehicle that is created is filled by the right person—not just now, but into the future.

Lyndsey Dearlove: Yes, and the domestic abuse definition is incredibly important. That is used so much either to enable people to access services, or sometimes as the gatekeeper. It is vital to have the right definition that speaks to all the people who experience domestic abuse and understands those experiences. Including economic abuse within that is absolutely imperative.

Q144 Nickie Aiken: I was interested in what you said about the MARACs, having been responsible for MARACs in a previous life. What do you think the Bill will do, if anything, to strengthen MARACs and the ability to work across agencies?

Lyndsey Dearlove: The Bill talks around MARACs quite efficiently and gives additional powers to the police and the criminal justice system. However, it does not look at the third sector's involvement in MARAC, or at making it a statutory obligation for people to be at that table and ensuring that the people who come to the table bring the right information and act on it.

In a way, the Bill will be great because we will see a resurgence in attention, but the reality is that in a couple of years' time we will be saying the same things. We cannot let that happen. MARAC, and attention to detail around victims of domestic abuse and safety planning, must remain an incredibly important and prioritised issue in all agencies.

The Chair: Does anyone else have any questions? In that case, thank you very much for your evidence this afternoon.

Examination of Witness

Dame Vera Baird QC gave evidence.

4.4 pm

The Chair: We will now hear from Dame Vera Baird QC. When you are settled, please introduce yourself formally to the Committee, and then we will move on to the questions.

Dame Vera Baird: My name is Vera Baird. I have been the Victims' Commissioner for England and Wales since last June.

Q145 Jess Phillips: There has been a huge amount of talk about commissioners in here today—it's been commissioner, commissioner, commissioner—so it is good to have another one in front of us. As well as your role as the Victims' Commissioner—I think other people are going to ask you about that and about how the two roles will work in tandem—I want to ask you a couple of questions about some of the experience you gained from being a police and crime commissioner. That is a vital resource, but we have not been given any evidence by the police today, which is potentially not great.

Quite a big part of the Bill is about domestic abuse protection orders. I know that when you gave evidence to the Joint Committee, you had some concerns about how, certainly in the pilot, they were being used—about whether they were onerous and whether police forces were likely to use them versus bail options. Could you go into that a little bit for us?

Dame Vera Baird: We put it in written evidence to the last Bill Committee. Yes, we did have some concerns about DAPOs. What is very desirable, and admirable in the Government, was the decision to pilot DAPOs so that we can work out the pros and cons of different aspects of them.

There are a number of things: civil, criminal, by the complainant, by the police and by a third party without the complainant's consent—that one worries me immensely. There is obviously a great range of things. The very

positive thing about DAPOs is the addition of the capacity to add positive requirements on a DAPO. Used well, I think that could have a quite transformative effect, although I suspect it will have to be very proportionate. One would want to say that this is a route to getting good-quality perpetrator programmes in terms of the conduct of a perpetrator who has got a DAPO with a positive obligation to go on a perpetrator programme, but I doubt whether that would be proportionate actually. I suspect that all you could do is to require him to go and have an assessment for a perpetrator programme. I am not a great civil lawyer; in fact, I am not a great lawyer at all.

Jess Phillips: Well, you are a better one than me.

Dame Vera Baird: You have advantages I don't have.

Jess Phillips: I have other skills.

Dame Vera Baird: Years ago, there was a conditional caution for women. The condition on the caution was to go to have your needs assessed at a women's centre. I was worried that that was not sufficiently strong, but it clearly could not be much more. You cannot order somebody on a 10-year course or a five-month course as a condition of something small like a caution. In fact, it didn't matter in that particular example, because the women's centre, once it has assessed someone's needs, will keep someone to get them through. I do not know if the same is going to apply here.

I am guessing that the Government must have looked at this and that the positive requirements will have to be in proportion to the fact that it is an order about curbing your conduct of a fairly minor kind. Although it looks as if it might open the door to early intervention with perpetrators to put them on a positive way out, I am not sure whether that is not over-optimistic. But that is how I greeted that aspect of DAPOs when they first came out.

What I think is problematic about them is whether they will be enforced. Quite a small percentage of domestic abuse cases have DVPOs in the first place. They are used really very rarely. It is somewhere between 1% and 2%. One suspects it will be the same again in connection with DAPOs. Why would it be different? I do not suppose the third-party provision or the individuals provision is going to multiply it by 10. The Government have some quite optimistic views about how many of these would be granted. It is not just that they are not used, but that they are not enforced when they are broken. That calls them into question.

Q146 Jess Phillips: So you think there needs to be a review process, and you welcome that it is a pilot.

Dame Vera Baird: I do, and I definitely want it to be piloted. They have to reconcile that position between an individual getting one and there being some positive attachment. Somebody is given the responsibility to supervise that positive attachment, but if it happens to be, "Go on a perpetrator programme while you're still staying with her," she needs to have a voice in that as well. There are a lot of complexities, but when I have reflected on it, they are better than DVPOs. One hopes that they will become the go-to and that DVPOs will disappear.

Q147 Jess Phillips: It will take time. Let us stick with the idea of perpetrators, not necessarily of domestic abuse but of other crimes, whose criminality could be linked to their victimisation through domestic abuse. Having run a women's centre for many years for female offenders, I am only too aware of the levels of domestic abuse of women in that particular estate. Their victimhood is one of the most important things about that. Do you have anything that you think needs to go into the Bill, or into the amendments that may be proposed, to look at how we change the way we see victims in the criminal justice system?

Dame Vera Baird: I do. The definition of domestic abuse now shows the multifaceted nature of control and that it is used, specifically, to exercise control. We are now getting a broader understanding that that is the nature of domestic abuse and that it makes a person incapable of doing something without the consent of the perpetrator, who has so undermined their self-esteem that they have lost all will to do their own decision making.

You have to acknowledge that, in the same way that a victim will not go to the supermarket without being told that they can, or if they are told that they are cannot, and will not talk to their mother if they are told they cannot, they can also be told to commit criminal offences. Some 60% of women in custody have been victims of domestic abuse, and many of them are victims of domestic abuse as they are committing offences, so it speaks a very loud story about how victims can and are being used in that way. Those women have done relatively small things—probably dealt small amounts of drugs on behalf of their perpetrator—and a great deal more damage has been done to them than anything they have done in terms of their criminality.

There is an urgent need, in my view, to parallel that understanding, which the definition clearly shows is about undermining will and gaining full control, to have a defence that offers a person in that position the opportunity to say to the court, “I would not have done this if I hadn't been compelled to do it.” It is analogous with section 45 of the Modern Slavery Act 2015, where there is absolutely such a defence for a relatively low level of criminality, and no one would ask for more. In terms of the difference between the way in which people who are victims of modern slavery are, as it were, enslaved, and the way that victims of coercive control are totally controlled, I cannot draw a cigarette paper between the two—not that I smoke.

Jess Phillips: Me neither.

The Chair: Thank you. So that people can indicate, if they are not on the list, I am now going to call Minister Chalk, then I have Mike Wood, Christine Jardine, Peter Kyle and Liz Twist.

Q148 Alex Chalk: Dame Vera, there are so many questions I would like to ask you, but I will ask just a couple if I may. To pick up on the point that you just mentioned, you are of course the Victims' Commissioner, and you therefore want to stand up on behalf of those who are victims of crime, correct?

Dame Vera Baird: Yes.

Q149 Alex Chalk: Given the point that you just made, we always have to bear in mind that people can be victims of crime perpetrated by women as well as by men, yes?

Dame Vera Baird: Yes, of course.

Q150 Alex Chalk: We have to make sure that there remains confidence in the criminal justice system so that those who are victims of crime, whoever commits that crime, get justice. That is important, is it not?

Dame Vera Baird: Of course it is, and the interaction between a victim and a defendant is often present in a range of material ways.

Q151 Alex Chalk: Can I ask you about something that we have not talked about too much but that I think is very important—domestic abuse protection notices? The Bill puts a lot of power in the hands of the police to say to someone, “Right, I suspect that you are putting someone at risk of domestic abuse.” On the basis of not a lot of evidence, they can effectively say, “Right, I'm applying a notice. If you breach that, it's arrestable, and you are going to be inside until you get before a magistrates court.” We think that is appropriate, strikes the right balance and is necessary. Do you have any concerns? Does that strike the right balance? Does it go too far?

Dame Vera Baird: It seems to me to strike the right balance. There is often the need for an urgent move to be made to remove the risk, and that seems quite right to me. I lament very strongly the loss of pre-trial bail conditions. They are a simpler way to do it than a notice like this, so please do restore pre-trial bail to the police.

Q152 Alex Chalk: Thank you for that, and thank you for the point you made about the notices, because they are robust. It is helpful to have your views on that.

The final thing I want to ask about briefly is special measures directions and the ability for people to give their best evidence. Do you welcome what is in the Bill to allow vulnerable people to feel more comfortable about the court process, and to do themselves justice when they are before a court speaking about something that may be very traumatic for them?

Dame Vera Baird: But it does not go nearly far enough, Minister. You have extended special measures in criminal proceedings so that they are automatically available for a domestic abuse victim—absolutely excellent—but in family proceedings, and indeed in civil proceedings, people who are vulnerable or intimidated are just as vulnerable or intimidated as they are in criminal proceedings, and just as much in need of giving their best evidence. I really have no understanding of why you do not just extend special measures to all courts. They are subject to proper identification of vulnerability and a process that follows, and the judiciary have the final say. It seems to me that that is far and away the best thing to do. It is very straightforward and simple, and can give people that advanced assurance that they are going to be able to give their evidence in a protected way. That is obviously what you are aiming for by extending them to domestic abuse victims in criminal cases.

Alex Chalk: Thank you for those observations.

Q153 Christine Jardine: You were talking about victims of domestic abuse. In dealing with victims of domestic abuse, how often do you come across evidence of it being a misogynistic crime? How often are they victims of some sort of misogyny? Do we need to look at how the two interact?

Dame Vera Baird: That is a very interesting point. There may be that situation, but it has not made itself—if I can put it this way—systemically evident to me. Lyndsey was talking about the MARAC, and we had a thing in Northumbria called MATAAC, which was a MARAC for perpetrators. You could see men who had left behind a trail of damaged women. They were not high-level and dangerous, but they were repeat. They got on extremely well with their mothers, who took them in every time, and the next girlfriend along the line, who took them in every time. Indeed, they had no difficulty with female probation officers, female staff and so on. I do not know whether there is an evident link between the two, but I see domestic abuse more as a determination to control that individual than as a piece of evidence of general misogyny.

Q154 Christine Jardine: Something that has come up several times today is children as victims of domestic abuse. Do we need an explicit recognition of the fact that a child does not actually have to be the victim? Being a witness de facto makes them a victim of the abuse, and that goes forward through their lives. Do we need some sort of recognition of that?

Dame Vera Baird: Yes. I am quite clear that children in a family in which there is domestic abuse are victims of domestic abuse, not bystanders or witnesses. In my view, that needs to be made explicit in the legislation. People have already talked about what could follow—better support, welfare, services and so on. It would also bring them into the Victims' Commissioner's remit, where they ought to be.

I think that change would also weaken children's invidious position in the family courts, where it is possible to find that domestic abuse has been perpetrated by partner A on partner B, but that partner A, the perpetrator, is none the less parenting well. However, if it is understood that a child is a victim of A's perpetrating violence—or domestic abuse without violence—on B, it will be much harder for the court to find that the person who has victimised them is parenting well. I am very troubled by the presumption of shared parenting that seems to trump practically everything else in the family court. I am very hopeful that, if one expressly makes children victims, that will undermine the strength of that presumption.

However, I hope—far more strongly even than that—that, at some point in the development of the Bill and its passage through Parliament, the Family Law Panel will report, and that what it suggests can be taken into the Bill's provisions. In a way, to go ahead with this Bill without waiting for the outcome of that review is to miss a key opportunity. Let us face it: this is a once-in-a-generation Bill. They only come up that often, so it should be as comprehensive as possible and should certainly include some recommendations from that review.

Q155 Mike Wood: Dame Vera, there have been suggestions that the remit of the domestic abuse commissioner may be changed to being a rather different, more general violence against women and girls commissioner. What are your thoughts?

Dame Vera Baird: I would have preferred it to be a VAWG commissioner in the first instance, and indeed would still prefer it to be there now. One thing that is very evident—this is obviously not a criticism of the domestic abuse sector—is that the sexual violence sector is underplayed in the context of domestic abuse, which is a much bigger numerical problem, and is seen as something more linked with violence, but actually almost inevitably involves sexual exploitation and abuse.

If you want to abuse your intimate partner, a key tool is to sexually abuse them so that you undermine them even further. Had it been a VAWG commissioner, I think it would have meant that there was a better opportunity to bring forward the sexual violence sector, and to see the organisations in it as very important and needing the same sort of systemic funding that the domestic abuse sector is now beginning to get, particularly following this Bill, if the Government extend the statutory duty, as I know many people have suggested. That will be good for the sector, but the sexual violence sector needs funding just as effectively, so I think a VAWG commissioner would have been good.

I do not know why, but, in a sense, the Bill seems to me, from a sort of small political point of view, to be slightly hung in the past. I understood why it was kept narrow, and that it was to cover only domestic abuse and only a domestic abuse commissioner, while the Government did not have a majority; if it became bigger, and therefore more controversial, because extra clauses and amendments were put on it, or if it widened into VAWG, there was not a majority to get it through. But now there is a huge majority to get it through. You can afford to take on all these exquisite ideas that are coming to you and have done all day. I really think you should pause and think about doing that. I am in such a hurry to get it home, so that it can help, but all the same, there are many more things that you could do with the Bill—many more.

Q156 Mike Wood: Following on from that, I want to raise an issue about funding. Obviously, you worked extremely effectively with the designate domestic abuse commissioner to help get covid funding to victims groups, both within the domestic abuse sector and more broadly. I thank you for everything you have been doing on that. Touching on an issue that Jess raised earlier, how do you see the future relationship between the two roles, working together to magnify their effectiveness rather than duplicating each other's work?

Dame Vera Baird: I think we have got off to a flying start, really, because it has all been condensed and magnified by the presence of covid. We had to get our heads together and do what we could. If we can have a close continuing relationship—after this experience, I see absolutely no reason why not—then, because we are sponsored by different Departments, we might be able to bring the Departments closer together in the interests that Nicole and I share. That would be a great boon, because one of the things that slowed up the delivery of funding to the charities that I think are now getting it is the difficulty of tying up funding from one Department with funding from another; you need a package that joins the two. I am hopeful that we might be able to play that role, too.

At the moment, there are no clashes of interest, and I cannot envisage any. The domestic abuse commissioner has a call at 11 o'clock on Monday with helpline

providers and people in the domestic abuse sector where much of the talk is undoubtedly about victims of domestic abuse. At the same time, I have a call with all the victims hubs that the PCCs fund, and much of the time we are talking about victims of domestic abuse. There is a clear overlap, but we can tell the difference.

I may take a bit of licence here; perhaps I should not, but Minister Chalk helped me to mention the overlap between victims and defendants, which persuades me to talk a little about perpetrator programmes, which I am keen to see. That on the face of it does not look like a Victims' Commissioner issue, but it is one because you always need to invest in victims' services within a perpetrator programme. I would really like to emphasise how important it is never to take funding from the victims sector to give to perpetrators but, on the other hand, to fund separately a proper system of perpetrator programmes that get people early on.

The phonenumber at Respect has had a large increase in calls during covid, I think because when people are boxed up with their own inclinations, they are frightened by them and able to reach out. That is one cohort of people. At the completely opposite end is a cohort of people currently dealt with by the Drive project, who are very different indeed. You need to have a whole matrix of tools in the box to ensure that at whatever stage a perpetrator is brought out to be changed, you have got that whole system to fit them into the right place. That is also a bit missing from the Bill. Having said positive things about DAPOs and how they may go forward, I would have wished for more expression of an urgent need to have a systematic programme for perpetrators.

The Chair: Thank you. I will call Liz Saville Roberts, then Peter Kyle, Virginia Crosbie and Liz Twist. We are finishing at 4.45 pm, so if there is a moment—*[Interruption.]* No, we are finishing at 4.30 pm, so we have almost no time at all. I am really sorry; this is a shorter session.

Q157 Liz Saville Roberts: You talked about the coercive and controlling nature of relationships. In the past we have talked about the need for a domestic abuse register. I know there is resistance, but given the reality of victims' experiences and the fact that DAPOs, notices—to a degree—and certainly the domestic violence disclosure scheme keep the onus on the victim to act, what can we do to move gradually towards a register? I know there is resistance from the police, with concerns about the additional workload, but we need to change the culture. That came up with the MARAC earlier on. What do we need to do to bring a register forward?

Dame Vera Baird: I am not over-keen on the idea of another register. What would probably be good for the kind of serial but not necessarily high-risk perpetrator I mentioned would be to get them into multi-agency public protection arrangements. It is probably better to think in terms of an institution that is already present, and get perpetrators into that, than it is to invent another separate way of recording the fact that they are a perpetrator.

The Chair: I'm afraid that is the end of the session. I apologise for that; I was in the half-hour session groove. Thank you for giving evidence.

Examination of Witnesses

Simon Blackburn and Sara Kirkpatrick gave evidence.

4.30 pm

The Chair: We will now hear evidence from the Local Government Association and from Welsh Women's Aid. Please introduce yourselves to the Committee, and we will then move on to the questions.

Sara Kirkpatrick: Good afternoon and thank you so much for inviting me. My name is Sara Kirkpatrick and I am the CEO of Welsh Women's Aid. I am trying to be short and sweet. I could introduce my organisation but that feels a bit unnecessary.

Simon Blackburn: I am Simon Blackburn and I am the chair of the Local Government Association's Safer and Stronger Communities board, and the leader of Blackpool Council.

The Chair: We will move on to the questions, I call first on Alex Davies-Jones.

Q158 Alex Davies-Jones (Pontypridd) (Lab): Sara, would you give us some information on your experience given the changes in legislation made by the Welsh Government, and maybe some of the impacts we are looking at in the Bill. Will you give us some of your experiences on that, and have they worked?

Sara Kirkpatrick: Some really exciting things have come out of the Welsh legislation, particularly the idea of taking that broader lens—the lens of violence against women and girls—in recognising that domestic abuse is an aspect of violence against women and girls. So there is that commitment to a gendered understanding and a gender-informed offer which does not exclude but ensures that all services are offered in an appropriate way, because gender-informed services are hugely important. For me, that part of the legislation is one of the most exciting things.

The other thing would be the “Ask and Act” legislation that we have enacted in Wales. It has ensured that training for statutory organisations is provided and has really secured connections with specialist services, so that we are not asking non-specialist organisations to provide support. We are ensuring that they are equipped to do their job well and to connect effectively with specialist survivor organisations across the country.

The Chair: I am sorry to have to say this, because I know it is enormously difficult, but please try to respond to the microphone even though you are not facing the person. It is for *Hansard* in particular. It is nobody's fault, it is just a problem with the layout. We are probably all right now.

Q159 Alex Davies-Jones: What changes do you think are needed in the Bill to ensure that the Government protect the victims and their children in Wales?

Sara Kirkpatrick: For me, the significantly important part is to ensure that this legislation—England and Wales legislation—aligns with the Welsh legislation so that we do not have gaps or inconsistencies where things fall through. Some matters are devolved and some matters are not devolved. One thing of particular concern to Welsh Women's Aid, specifically around family law,

is that the Children and Family Court Advisory and Support Service is a department within the Welsh Government—Cafcass Cymru is a different organisation from CAFCASS in the UK—and family courts are part of the Ministry of Justice offer, so it is about ensuring that those things align, so that no citizens of Wales are disadvantaged by the gaps between legislation.

It feels important to me to say that it is incumbent on Westminster that there are no gaps. The idea of the devolved Administrations is that the citizens of different countries get the best in their country, and we do not want people to be worse off.

Alex Davies-Jones: Thank you.

Q160 Victoria Atkins: My first question is to Councillor Blackburn. I hear Blackpool has been sunny this week—I declare an interest.

The Bill places a duty on tier 1 local authorities to provide support services to domestic abuse victims and their children in safe accommodation. Do you welcome that? What can we do to help you and your colleagues to implement that?

Simon Blackburn: We absolutely do welcome the duty and we want to make sure that local authorities are equipped to enact that duty in an appropriate way. There are a number of points to make.

Although the provision of safe and secure accommodation for victims, survivors and their children is absolutely fundamental, it represents a failure in all the systems. We should not be in a place where that is the only thing that local authorities are doing. There should be early intervention and prevention work taking place to make sure that women are not being removed from their homes and that, wherever possible, it is the perpetrators lives that are being disrupted.

Funding for domestic abuse services comes from the Government to a variety of different actors; local authorities are only one of those. Some funding is distributed directly to the third sector, some to police and crime commissioners and some to parts of the health service. It is important that we think about whether an opportunity ought to apply to those organisations as well. I do not think local authorities are the only people that can fix this.

In broad terms, we welcome the emphasis and the responsibility, but we want to see early intervention, prevention and community-based services given as much weight as accommodation-based services.

Q161 Victoria Atkins: Could you help us with domestic abuse local partnership boards, which will be used to help ensure that this duty is delivered? There have been a lot of questions, understandably, about the impact of domestic abuse on children. The local partnership boards are required to include someone who is representing the interests of the children of adult victims. What advice would you give to your council colleagues about how these boards can be most effective in addressing the needs of local residents?

Simon Blackburn: It is important that the needs of children are put at the forefront of what local authorities do. In all social work assessments that should come through and be very clear. There will be differences in practice between one local authority and another. There may be a more informal disposal—for want of a better

word—such as asking parents to engage with parenting classes or providing family support. The point at which that tips over into the local authority offering a formal assessment of need will vary from one area to another, depending on the services available. What should be consistent throughout is the threshold at which, for instance, a section 47 inquiry begins, because a child is deemed to be at risk of significant harm. That should not vary from one area to another.

In terms of the boards and partnerships that you refer to, I would think there would need to be somebody senior from the children's social services department on that board. It is also possible that some form of guardian ad litem, or some independent representative of the needs of children, could sit on that board.

Q162 Victoria Atkins: Finally, the Government are bringing forward an amendment to the Bill to provide that victims of domestic abuse are automatically considered to be in priority need for homelessness assistance. What are your views on that proposal?

Simon Blackburn: It is clear that victims and their children are in need of priority assistance and certainly local councils would not shy away from that. There are, however other groups of people who local councils have been asked to give priority to, such as former servicemen and women, ex-offenders and victims of modern slavery. The council housing and social housing stock can only be so elastic. For instance, in my own local authority in Blackpool, were a victim or survivor to require a four-bedroomed house, I have five such houses and they are all occupied at the moment, with a waiting list potentially between five and 10 years.

We would need to look at some flexibility in terms of funding, and at discharging that duty potentially in the private sector—where, of course, it is not possible for a local authority to guarantee a lifetime tenancy, because we would be dealing with a private sector landlord. Given sufficient stock, absolutely, but we know there are major challenges across the board for local authorities up and down the country in building enough council and social houses. We absolutely would not shy away from the duty.

Q163 Victoria Atkins: I have just one more question, if I may. We have heard a lot about the definition today. What impact do you think that will have for commissioners in deciding which services to commission?

Simon Blackburn: In terms of the definition?

Victoria Atkins: The definition of domestic abuse in clause 1 of the Bill. What influence do you think that will have on commissioners when they are designing and commissioning services?

Simon Blackburn: I think it is potentially quite transformative. In the past it has been possible for people to interpret domestic abuse very narrowly. The broadening of the definition and the fact that we are taking things such as economic abuse into account certainly enable local authorities and other commissioners, such as police and crime commissioners, to look for more provision of specialist services, as Sara said earlier on, rather than asking providers to deliver things in which they do not necessarily have expertise. Of course, that comes down to the total quantum of money available to deliver on that, but I would welcome the expansion of the definition.

Victoria Atkins: Thank you very much. I will leave Sara to my Welsh colleagues.

The Chair: I will run through who I have seen so far. I have Rebecca Harris, Liz Saville Roberts, Fay Jones, Liz Twist, Virginia Crosbie, Nickie Aiken and Jess. Rebecca Harris?

Rebecca Harris (Castle Point) (Con): I am fine.

The Chair: You are fine. Who was second? Liz Saville Roberts.

Q164 Liz Saville Roberts: Sara, thank you very much for coming here today, and thank you for raising the matter of CAF/CASS and the fact that it operates in quite a different way in Wales. I wanted to refer to the inquiry by the Commission on Justice in Wales and Lord John Thomas's report that came out at the end of last year, which indicates that in Wales we effectively have in many cases a twin set of bodies—those operated through the Home Office, those operated through the Ministry of Justice here, and those functions put in place by Welsh Government. How do we manage the situation? What are the lessons we should learn in relation to what the Domestic Abuse Bill is doing and the fact that we have a diverging environment in Wales, although of course we would want to use funding and opportunities as they come for common interests?

Sara Kirkpatrick: I am so sorry, but could you clarify the question you are asking me?

Q165 Liz Saville Roberts: In Wales, we have a twin-track set of justice bodies: those that come from the UK Government and those that have been put in place by Welsh Government. That is relevant here, because we have the domestic abuse legislation and we also have the CAF/CASS situation, which is different in Wales from how it is here, and we are talking about children's experiences here as well. What would be interesting for people who are not familiar with the Welsh justice environment to hear is how comfortably or uncomfortably this new legislation will sit in Wales and how we should be looking at that planning stage here.

Sara Kirkpatrick: The answer is that we should be cognisant of it at every stage within the legislation. For me, one of the stumbling blocks is the word "national". I often hear things described as national that are actually UK-wide; then I hear things that are described as national that are actually England and Wales; then I hear things described as national that are England only, and Wales, which also has national, is slightly different.

I think it is hugely important to ensure that alignment and to make sure that there is that two-tier system. To do things differently does not have to mean that there is a gap between, but you have to be cognisant that those things are sitting next to each other. If you disregard that, that is when the problems will arise—if we do not look at the very beginning and say, "This legislation is coming into two countries; the Domestic Abuse Bill that Westminster is doing is a hugely exciting and innovative piece of work, but we have to look from day one and see whether it works in both places." If it does not work in both places, we have to be really clear about where the gaps are and what the differences are, and also learn.

Your colleague asked me earlier what we could learn from the Welsh legislation, and Victoria asked a question about the definition. For me, the broadening of the definition is hugely important, so that it ensures that we get the different types of abusive behaviour and the different types of domestic abuse—that is very important—but also the gendered nature and the disproportionate effect of domestic abuse on women and girls and on migrant women. We need all of that stuff in there, and we need not only to have that in the definition; we need to back up our commitment by collecting data and disaggregating that data so that we can ask, if we make a commitment to do something, "Did we do that?" We should go back and check. One of the things that always frustrates me is when we make a commitment to do something and then we pat ourselves on the back without looking at the detail and saying, "Did we?"

Q166 Liz Saville Roberts: One of the issues that has come from my English colleagues as well is the availability of funding. Far be it for me to tell the Welsh Government what they should do with their funding—that is a fundamental rule of devolution, obviously—but none the less there is going to be a question as to how this operates from the Home Office to PCCs and with the different structures that we have in Wales.

Sara Kirkpatrick: Yes. There are different structures in terms of what money is devolved and what money is coming directly from Westminster. There are different settlements for different things. Welsh Women's Aid is a membership organisation and we are currently running members' meetings every single week, and we are incredibly privileged—sadly, that is because we are in a pandemic—to be able to engage with our members on a frontline basis and hear what their challenges are.

One of the challenges is that frontline services get confused. The information is put out from Westminster or the information is coming out from different commissioners and organisations are being asked to prove a need, which is fair enough, but they become confused because a declaration will come from Westminster that says there is money for everyone. Is that money for everyone, or is it just for some people? Clarity is so important. First is a proportionate settlement, but second is clarity about that settlement.

The last thing I would say is that Wales is physically different. This happens in England as well, actually: sometimes we take a very metro-centric view. We think that we have a lot of public transport and we think that the roads are easy. I have just walked around London today, and it has been very easy to get from one place to another. That is less true in rural areas. When we are talking about a proportionate settlement, we need to take into account the fact that rural communities have a smaller population, but it takes longer for individuals to get from one place to another. A single service provider cannot provide the same service and get everybody to a single site in the way that they can in metropolitan environments, because there is more rural in Wales—or I notice more rural in Wales, perhaps because I talk to the members.

Liz Saville Roberts: That is very useful. Thank you.

The Chair: I have four or five people who want to come in, and we have 10 minutes, so that is the guide for how long they should try to speak for. I call Fay Jones.

Q167 Fay Jones (Brecon and Radnorshire) (Con): I am over here, in Welsh corner. I am pleased that you mentioned rural areas, because I represent Brecon and Radnorshire, which has a large border with England. I am very interested to know, building on your earlier answer, what you see as a practical difficulty that could arise from any divergence between England and Wales, if you see any such divergence. Then I will have a quick follow-up question.

Sara Kirkpatrick: Again, it is about being cognisant of that and ensuring the alignment. The other thing is that, from my experience of working with victims and survivors, they are quite mobile—both victims and survivors, and perpetrators. Sometimes, it is not just about how we choose to enact; it is about where people choose to engage. While they might be on one side of the border, the services they choose to access, where they connect or where their family lives might be on the other side of that border. That feels like an important consideration.

We are supposed to be providing services and making legislation that fits the needs of survivors, rather than expecting survivors to fit the offer of the legislation. That is often a challenge we are presented with: we create some rules and ask people to fit them. To me, the big thing about the border would be to be aware that people move on either side of it. Again, it is about making sure that there is alignment, so that people are not disadvantaged. It is also about being clear, so that people know on which side and what would benefit them.

Is that a clear enough answer? I don't want to ramble, and I feel I have covered it.

Q168 Fay Jones: It was. The Home Office funds some programme that Welsh Women's Aid runs, particularly one around early intervention on perpetrators. Will you talk about some of the successes that has had?

Sara Kirkpatrick: Are you talking about Change that Lasts?

Fay Jones: Yes.

Sara Kirkpatrick: Excellent. That is a relief. Welsh Women's Aid and the Women's Aid Federation of England came up with the Change that Lasts model initially. It is a three-stage model, which looks not only at early intervention but at community awareness, training of professionals and specialist support services. We both—Welsh Women's Aid and Women's Aid Federation England—got into partnership with Respect, which is actually my formal employer. Change that Lasts in Wales is my former baby, and it is about an early intervention offer.

I was heartened to hear what Simon said earlier about not waiting until people need rehousing. The Change that Lasts approach, and the perpetrator strand of that approach, is about recognising that not all those who are using harmful behaviour are yet entrenched perpetrators of domestic abuse who are using patterns of abusive behaviour. Some people, in my experience, are concerned about their behaviour at an early stage. They seek support from GPs and citizens advice bureaux, and they have been known to seek support from faith leaders.

If there is an offer out there where people can address and consider their own behaviour, consider the impact of their behaviour and be given simple strategies to do something differently, there is no guarantee that they

will take those strategies on board, but, by creating a narrative that says, "The problem is that you are choosing to use problematic behaviour, and there is an opportunity to make a different choice", we move the responsibility to where it should be. We move the responsibility, and that is the idea behind Change that Lasts, the perpetrator strand, which is being delivered in Wales.

Change that Lasts has got some really promising results on the early engagement. The feedback is that people are attending and remaining engaged. These are self-referral clients, and the feedback from their partners is that it has been a positive and beneficial experience. I do not want to overclaim, because it is in its early stages—it is being evaluated by London Metropolitan University—but the early signs are that when you meet someone early in their journey and you give them an opportunity to make changes, some of the grasp the opportunity.

Q169 Virginia Crosbie: Thank you for coming, Sara. You spoke about the challenges of rural. What additional challenges have you had with the coronavirus and with actually getting victims to come forward? How have you encouraged people to come forward?

Sara Kirkpatrick: Some of the ways that people have been encouraged to come forward are that in the country a lot of promotion has been done—putting messages out about the Live Fear Free helpline, using social media, and engaging with both local celebrities and local politicians—and somehow I have managed to be a local celebrity and do a video.

There is that idea about putting simple, non-targeted messages in as many places as we can. Local supermarkets have been putting leaflets, just with information about the Live Fear Free helpline, into all shopping deliveries. One of the nice things about a non-targeted offer is that it does not arouse the suspicions of a perpetrator, because everybody gets it. When a targeted offer is made, it has the potential to increase risk.

That is some of what is being done; it is just that much more general putting the message out there, over and over again. In terms of rural communities, what we are hearing is that, because rural is more difficult from that point of view—there is limited access to transport and so on, so at this point everybody is quite isolated—people who were already isolated are consequently more isolated, because they have no neighbours. There is no network that you can run to if you would want to. So it is much harder.

Q170 Virginia Crosbie: Gorwel, the domestic violence charity on Ynys Môn, seems to be very successful in reaching out to families and working with schools. In your experience, what is the best way of supporting families? Is it more prevention?

Sara Kirkpatrick: Do you mean before the pandemic?

Virginia Crosbie: No, I mean in terms of supporting vulnerable families.

Sara Kirkpatrick: Before we end up in a situation—again, it is that idea that the best way of prevention is education, early offers and non-targeted messages. One of the wonderful things about Wales is the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. It relates to the idea of challenging at the

earliest opportunity—the concept that with any form of oppression there is no low-level, tolerated abusive, oppressive gender discrimination. All of that is not okay. Then you are sending a message that removes the fertile ground where more entrenched harmful behaviours can take root. So I think that is the big message, really.

The Chair: We have two minutes. I know Nickie wanted to come in.

Q171 Nickie Aiken: There has been a lot of discussion today about whether children are direct or indirect victims of domestic abuse if they are within a family or household where domestic abuse is taking place, but they are not actually being abused physically themselves—but they are witnessing a parent. How do you feel—I am speaking particularly to you, Councillor Simon, with your local government hat on— about whether children should be considered victims, whether they are indirectly or directly affected?

Simon Blackburn: Children are direct victims—

Nickie Aiken: Should they be considered victims?

Simon Blackburn: When I was a social worker—I used to be a child protection social worker—I had numerous arguments with my bosses and the police along the lines that even if the children were not present in the house, and were staying at grandma's, for instance,

and there was an altercation and their mother was hurt by their father or her partner, the children were none the less victims, because when they returned home the trauma, whether physical or emotional, is there, and it impacts on Mum's ability to parent and her ability to manage relationships with the children. So it does not even matter if they are physically present. They are direct victims, in my view.

Q172 Nickie Aiken: How do you think councils could deal with that if the definition covered children?

Simon Blackburn: The Children Act, the legislation under which all social workers operate, is clear that children are at the front and centre of every assessment that is completed, so I am not sure that there is a need for anything. There may be a need to emphasise that. There may be a need for Ofsted and the Department for Education to remind local authority social services departments of that, but I think that is already very clear in legislation.

The Chair: We have run out of time for this sitting. I thank our last two witnesses very much for coming along.

Ordered, That further consideration be now adjourned.
—(*Rebecca Harris.*)

5 pm

Adjourned till Tuesday 9 June at Twenty-five minutes past Nine o'clock.

Written evidence reported to the House

- DAB01 Prison Reform Trust
- DAB02 Royal College of Speech and Language Therapists
- DAB03 Transform Justice
- DAB04 The ManKind Initiative
- DAB05 Rape Crisis England & Wales (RCEW)
- DAB06 Centre for Women's Justice (submission on non-fatal strangulation)
- DAB07 Andrew Todd
- DAB08 Centre for Women's Justice (further submission on pre-charge bail)
- DAB09 Cris McCurley
- DAB10 Soroptimist UK Programme Action Committee (UKPAC)
- DAB11 Helen Bichard, Trainee Clinical Psychologist
- DAB12 Amnesty International UK
- DAB13 Equi-law UK
- DAB14 Refugee Council
- DAB15 FNF Both Parents Matter Cymru
- DAB16 Grazia Magazine
- DAB17 Magistrates Association
- DAB18 Southall Black Sisters
- DAB18D Southall Black Sisters: Annex 4 (detailed amendments to the Bill)
- DAB19 Step-Up Migrant Women Coalition
- DAB20 We Can't Consent To This
- DAB21 Age UK
- DAB22 Local Government Association (LGA)
- DAB23 Resolution
- DAB24 JUSTICE
- DAB25 Equality and Human Rights Commission (EHRC)
- DAB26 Working Chance
- DAB27 Men & Women Working Together (MWWT)
- DAB28 Mr RS Wells, Director of, Domestic Abuse Business Support Ltd "Bridging the Gap Project"
- DAB29 Employers' Initiative on Domestic Abuse
- DAB30 Royal College of Psychiatrists
- DAB31 Latin American Women's Rights Service
- DAB32 Joint submission from 29 VAWG (violence against women and girls) sector organisations
- DAB33 Refuge
- DAB34 Drive
- DAB35 Lucy Snow